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PROTOCOL BOOK

OF

SIR JOHN CRISTISONE

1518–1551.

EDITED BY

R. H. LINDSAY,
H.M. GENERAL REGISTER HOUSE.

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PREFACE.

THE Protocol Book of Sir John Cristisone is preserved in H.M. General Register House, Edinburgh, and is No. 2 of the series of Protocol Books preserved there. It covers the period from 1518 to 1551. On the flyleaf there is noted the fact that he was created a notary by Master Arthur Boecius, who was Commissary-General of Aberdeen. No trace of his parentage can be found, but as he is designed in his notarial docquets presbyter of the diocese of Aberdeen, there is a strong presumption that he was a native of that diocese. In three of the protocols he is designed as vicar of Kemnay. There is a note on the second page of the flyleaf, viz.: "Advocattis and Straucthauchin against Straucthauchin, 1552," which would lead one to suppose that there were legal proceedings in which the Protocol Book had been produced. A search has been made in the Register of Acts and Decreets about 1552 for the action, but nothing can be found relative thereto.

The transactions relate chiefly to places in the southern part of Aberdeenshire and a few places in northern Kincardineshire. Monimusk would seem to have been the principal centre from which he conducted his business. Taking that place as the centre, it is found that the parishes mentioned in the Protocols are situated on the north, east, south and west thereof. Aberdeen was also in a number of instances the scene of his labours.

Attention is drawn to Nos. 430, 443 and 444, relating to the resignation and appointment of the parish clerk of Daviot. These Protocols are referred to in Bishop Dowden's *The Medieval Church in Scotland* (p. 136). Protocols Nos. 1, 4, 5, 22, 23, 24, 29, 31, 49, 50, 61, 71, 90, 92, 104, 106, 108, 113, 114, 122, 124, 144, 145, 146, 147, 148, 152, 157, 158, 171, 179, 215, 216, 217, 229, 262, 269, 287, 292, 310, 330, 349, 360, 377, 414, 417, 430, 443, 444 and 445 are given at length in the *Antiquities of Aberdeen and Banff*, edited by Dr. Joseph Robertson for the Spalding Club.

ERRATA.

Page 1. No. 1, line 3, *for* Symone *read* Symsone.
„ 2. No. 6, line 7, *for* Mawvour *read* Mawmour.
„ 11. No. 45, line 14, *for* Toucht *read* Forbes.
„ 12. No. 50, line 4, *for* Mawiur *read* Mawmour.
„ 23. No. 100, line 2, *for* or *read* of.
„ 24. No. 105, line 7, *for* Homer *read* Horner.
„ 48. No. 200, line 8, *for* Chavner *read* Chavmer.
„ 67. No. 294, line 5, *for* Alerdeen *read* Aberdeen.
„ 78. No. 342, line 2, *between* Mr. *and* Forbes *insert* John.
„ 87. No. 379, line 3, *for* Carbrogy *read* Carnbrogy.

PROTOCOL BOOK

OF

SIR JOHN CRISTISONE.

1518–1551.

1518.

1. Instrument narrating that Mr. Thomas Scherar, curate or vicar of Monimosk, passed to the personal presence of Duncan Elmisle, residing in Pitfethe, and as procurator for Mr. Alexander Symone, rector of Monimosk, required and questioned Duncan if the teind sheaves of the town of Petfethy were gathered into Duncan's yard with his leave and authority, and if Duncan had made impediment to the servants of the rector "*in correctionem, emendationem et edificationem*" of the said teinds. Duncan acknowledged he had given leave that the teinds might be gathered into his yard, and also that he had hindered and interrupted the rector's servants because of the breaking and destruction of his ditches. Upon which acknowledgment, Mr. Thomas S. as procurator, imposed upon the teind sheaves the sum of 24 merks Scots to be paid by Duncan at the usual terms, and protested for remedy of law. Done in the said parish church at noon 10th December 1518. Witnesses, David Farchar, —— Dik, clerk depute, Alexander Robertsone, Findlay Quisne. 2 *a.*

1519.

2. Instrument narrating that John Murray, burgess of Aberdeen, appeared upon the ground of the lands of Drymmeis, lying in the barony of Knokynbluys, holding in his hands letters of sasine from Patrick Gordoune of Methlik; which letters he delivered to Alexander Kay, the bailie named, and requested sasine. The bailie received the letters and handed them to the notary to be read, copied and published. The notary duly read them aloud, but because of their length and want of time he omits the tenor in this protocol. After reading, the bailie passed to the lands and gave sasine by delivery of earth and stone, and by placing the grantee in a house of the lands, the fires being extinguished and the inhabitants expelled. Done on the lands 10th August 1519. Witnesses, Alexander Kay, John Paterson (Patricii) and tenants. 2 *a.*

3. Instrument narrating that William Patrickson (Patricii) and his spouse, residing in Pettedro, on one part, and George Pattoun, "*superior testamentarius*" of the late William Gib, on the other part, have mutually agreed to Alexander Pattoun, William Chavmer and Donald in Quhitcors as arbiters, and to stand to their decree in every plea, question and dispute between the parties, arising out of the goods of the children of the late William Gib; which decree was that William Patrickson and his wife should pay for the part of said children and their property ("*peculio*") the sum of £44 in pennies and pennyworths, at the sight of the said George as oversman, the sum to be paid to the female children when marriageable or for contracting marriage, and to

the male children for the schools or to learn a trade, as shall seem to the said George expedient. Done at Pettedre 1st September 1519. Witnesses, Sir Patrick Davidson, William Blak and Alexander Cristison. 2 *b.*

4. Instrument narrating that Alexander Leslie of Kincragy compeared at the "peir" of Lochtcanmour to have the presence of the Earl of Huntlie and to crave from him his lands of Kincragy as from his over lord to be demised to him in wadset and to offer him for the release of the said lands recognosced by the said lord, as of law he is bound to do to him. Nevertheless, the Earl sent a messenger to Alexander saying that the Earl could not have the presence of Alexander for the present but the messenger, Mr. John Irving, declared that the Earl would give an answer to the notary. The notary thereupon passed to the presence of the Earl, and in the name of Alexander, craved that his lands of Kincragy be demised to him in wadset, and that he would do homage to the Earl. The latter assigned to Alexander a court to be held at Clwne on 27th November instant there to present and show his evidents, charters and rights, if any he has, for the lands, and to do in said court what he is bound to do. Done at Lochtcanmour 7th November 1519. Witnesses, Master John Irwing, Sir Nicholas Patersone, Master John Broune, chaplains, William Gordoun of Auchendoir and Alexander Irwing. 3 *a.*

1519–1520.

5. Instrument narrating that Alexander Leslie of Kincragy compeared in the court of the Earl of Huntlie, held at Clwne by Thomas Davidsone, bailie for the time, praying that his lands of Kincragy be demised by the overlord to him in wadset, and offering homage that by the law and custom of Scotland he is bound to do. That if he did otherwise it should not prejudice him and his heirs in future. The bailie refused his request to release the lands and to demise them in wadset, upon which Alexander protested for remedy of law and craved instrument. Done at Clwne 20th January 1519. Witnesses, Sir Andrew Clark, curate, John Forbes, John Foucht and William Craufurd. 3 *b.*

6. Instrument narrating that Andrew Fraser in Innery within the parish of Banchoriterne, passed to the personal presence of Mr. Alexander Symsoun, rector of Monimusk and vicar of Banchoriterne, offering himself ready to pay for the funeral rites of his wife last deceased. He protested that if the vicar declined to receive payment it should not prejudice him in the future. Done in the parish church of Monimusk 3rd February 1519. Witnesses, Alexander Mawvour, John Thomsone and Thomas Nore. 3 *b.*

1521.

7. Instrument narrating that James Straquhyne, Cristian Pellour, John Glas, James Meldrum, William Scot, John Glenne, William Foucht, Duncan Elmislie, Thomas Elmisle, William Straquhyne, Thomas Spens, Marjory Elmisle, David Covtis, John Covtis, Marjory Brachacht, James Symmy, Laurence Symsone, John Marno, James Mores, with consent of the laird of Belte, and William Hunter and Alexander Harper, with consent of the laird of Durris, parishioners of Kincardine, unanimously elected George Elphinstoun, nephew, by a brother ("*nepotem ex fratre*") of Mr. Robert Elphinstoun, rector of Kincardyne, as parish clerk of said parish, and appointed him to enjoy that office, with all emoluments, when it shall become vacant by the decease of Mr. Thomas Sympil then parish clerk. Done between 7 and 9 a.m. 17th August 1521. Witnesses, James Levinstoun, Robert Mvyr, Nicholas Elphinston. 4 *a.*

8. Instrument narrating that John, prior of the monastery of Monimusk, produced certain letters, containing the form of a sasine, under the seal of

James Auchlek of Kemna, and presented them to William Scot, the bailie named in them, requesting sasine to be given to him of the north half lands of the town of Lauchsanye. After being read by the notary, sasine was given by the bailie in usual form. Done on the lands 9th September 1521. Witnesses, Master John Gareaucht, notary, Patrick Melving, John Bissait, John Baxter, Alexander Cruschank and the notary. 4 *a.*

1521–1522.

9. Instrument narrating that Mr. Alexander Straquhyne faithfully obliged himself to obey the ordinance and mandate of John, prior of Monimusk, and William Forbes of Corsindave as to payment of the teind sheaves of the town of Suffulzie intromitted with by him without special licence and lease of the prior. Done within the monastery of Monimusk 20th March 1521. Witnesses, Andrew Fresser, heir apparent of Stanevod, William Styvert of Porterstoun, Arthur Forbes, Thomas Burnet and John Curye. 4 *b.*

1522.

10. Instrument narrating that John Gordoun of Quisne (Cushnie), "prelocutor" of Gilbert Foucht, in a court of James Auchlek of Kemna held by Patrick Forbes, bailie for the time, asserted that the court is not to be held because it is holiday time ("*tempus feriatum*") and within "*Quadragesima*" (Lent) as appears by Parliamentary statute, protesting that whatever was done in said court should not prejudice Gilbert in future. At the manor of Kemna in the presence of the judge 30th April 1522. Witnesses, Sir James Creychtoun, knight, William Lesle of Bochayne, Alexander Leslie of that Ilk, Alexander Keyth and John Bissait. 4 *b.*

11. The same day Mr. John Gareauch, "Prelocutor" of James Auchlek, asserted that John Gordon's protest was of no effect as he protested nothing specially, but everything generally. 5 *a.*

12. The same day Mr. John Gareauch, as procurator, asserted that Gilbert was called in said court as a tenant by an officer to answer in the court, and under peril of law, because he answered neither personally nor by a procurator; and for answering an instrument published and read before him of the truth and falsehood contained in the same, answered that he consented to the same in all points as by the rule of law. He who is silent appears to consent, protesting that he could allege nothing against the instrument in future, and that Gilbert was fined by the court. 5 *a.*

13. The same day John Gordon in name of Gilbert asserted that after the protest formerly made, Gilbert ought not to answer in said court, and that the fine should not prejudice him in the future. Place, date and witnesses as in minute No. 10. 5 *a.*

14. Instrument nearrating that Elizabeth Hurre, daughter of the late William Hurre of Petfeche, acknowledged that she received from Elizabeth Freser, her mother, from part of her late father's goods, four ploughing oxen, four cows, one with calf, two calves of two years old, four rams, 21 sheep, breeding, called "hoggis"; which goods she then delivered in keeping to William Straquhyne in Teleraucht, who acknowledged that he had received the goods for the use and profit of Elizabeth Hurre, who with the said William acquitted and discharged Elizabeth Freser. Done at Petfeche 7th June 1522. Witnesses, Thomas Cromme, Alexander Ouyste, John Murra. 5 *b.*

15. Instrument narrating that William Forbes of Corsindave constituted and named John, prior of Monimusk, Mr. Alexander Hay, prebendary of Turref, canon of Aberdeen, and Margaret Lummisdane, his spouse, as

his true and lawful executors testamentar; that they may dispone for his soul as they shall answer in the day of judgment before the supreme Judge; and he appoints the prior and the rector of Turef as tutors testamentar of James Forbes, his son and heir apparent. Also Margaret Lummisdane renounced all her terce of the lands of said William after his decease, in favour of said James, her son. She did not, however, renounce the terce held by her of the lands of the late Laird of Jhonstoun, but only the terces of William Forbes' lands held and bought by him. Done within the monastery of Monimusk 16th August 1522. Witnesses, Master Alexander Galloway, rector of Kinkel, William Yung and John Robertson. 5 *b.*

16. Instrument narrating that John, prior of Monimusk, appeared holding letters of sasine from James Auchlek of Kemnai of the half of the south lands of the town of Lauchsanye, which he presented to William Scot, bailie, and requested sasine, which was duly given. Done on the ground of the lands 22nd August 1522. Witnesses, Master Robert Elphinston, treasurer of Aberdeen, Alexander Melving, John Bissait, Patrick Toucht, John Baxter and William (? Walter) Jhonston. 6 *a.*

17. Instrument narrating that William Forbes of Corsindave and Margaret Lummisdane, his wife, recalled Messrs. Thomas Scheres and Thomas Piot and others, procurators appointed by them in a cause moved against them by Mr. William Meldrum. Done at Corsindave 26th August 1522. Witnesses, Master Thomas Pyot, Sir Thomas Mvkart, John Forbes and William (? Walter) Nichol. 6 *a.*

18. Instrument narrating that Margaret Lummisdane, lady of the third of Jhonstoun, with consent of William Forbes of Corsindave, her husband, leased to Mr. Duncan Chawmer, rector of Furvo (Forvie, now part of Slains) the tenancy of Crag, within the parish of Deyss, for five years after the lapse of his present tack, and the house from five years to five years for the life time of said Margaret. Mr. Duncan paying 40s. yearly at the usual terms, and other profits as seems expedient to said Margaret. Same place, date and witnesses as in preceding writ. 6 *b.*

19. Instrument narrating that the said Mr. Duncan Chawmer appointed Mr. Thomas Piot, vicar of Clvne, as his procurator, to renounce and revoke the above tack made by Margaret and William when required by them or any one in their name. Done in the hall of Corsindave. Same date as above. Witnesses, the said Master Thomas Pyot, Sir Thomas Mvkart, John Forbes, William Nicholl and John Piot. 6 *b.*

20. Instrument narrating that Alexander Leslie of Kincragy personally compearing, constituted and appointed James Leslie, his brother german, his lawful bailie of his whole lands of Kincragy to enjoy the office during his will only; and in token thereof James L. began to hold and did hold a court upon the lands, no one contradicting. Done at the "Kylpot" of Kincragy 3rd November 1522. Witnesses, John Strauchyne, Andrew Jhonstone, indwellers there, William Craufurd, Andrew Duncan and William Ridlayr. 7 *a.*

21. Instrument narrating that Andrew Duncan, officer of the said Alexander Leslie of said lands, passed to the personal presence of John Strauchyne and Andrew Jhonsone in presence of said judge and warned them to remove from the lands of Kincragi at Whitsunday next by command of Alexander L., who also as lord of the lands warned John and Andrew to remove at Whitsunday under pain of law and all other tenants and inhabitants of the lands under the same penalty, because he asserted the said term was after the lapse of their tacks and protested if they did otherwise it should not prejudice him. Done on the lands. Date and witnesses as in preceding minute. 7 *a.*

22. Instrument narrating that Sir David Farlie, prior of the place and convent of Monimusk, in the diocese of Aberdeen of the order of St. Augustine, personally compeared holding in his hands a certain process of a reverend father John Baptist, Bishop of Caserta (under his round seal sealed with red wax in a wooden capsule with red threads of hemp in the manner of the Roman Court, with the sign and subscription of Girard Thuret, notary public, dated at Rome 3rd October 1522, containing bulls of Pope Adrian VI. of and upon the provision of said priory granted to Sir David Farlie); which process he delivered for reading and publication to Mr. Robert Elphinstoun, treasurer of Aberdeen, requiring him to give possession. The said Mr. Robert E. having reverently received the process and bulls, read them aloud and publicly, and passed successively to the Chapter place of the priory, the canons of the monastery being gathered to the touch of the bell, also to the choir of the church thereof, and there he assigned to Sir David, prior, principally named in the Apostolic letters and process, the usual and wonted place in the Chapter and Stall in the choir, and inducted and invested him in said priory with all its rights in real possession; admonishing all the canons of said place and priory and others having interest that they obey him and no other: Which canons successively took the oath of obedience to the said lord prior with joined hands as the manner is, and they received him as their prior with all reverence and honour, and he intimated and published the process and all contained in it to the canons and those interested and desired it might be known to each one by these presents, upon which the prior craved instrument. Done at the monastery 15th December 1522. Witnesses, Master Duncan Oudny, Sir John Hay, Sir John Jaffra, Thomas Oudny and Thomas Autan. 7 *b.*

23. Instrument narrating that John, lately prior of the monastery of Monimusk, personally compeared holding in his hands Apostolic letters by the Bishop of Caserta, etc., as above described of date 3rd October 1522, directed to Sir David Farlie, prior of said monastery, in terms of which letters, duly read and published, the notary passed to the personal presence of prior David, and intimated the process to him, and its contents, the reservation of the fruits of the priory to prior John while he lived; also regress on David's decease or demission; that no injury might be done, nor hindrance made to prior John in peaceful apprehension of the fruits. Prior John craved instrument. Same place, date and witness as in preceding minute. 8 *a.*

24. The same day David, prior of Monimusk, asserted that for reasonable causes moving his mind as to the rule and care of the place and canons in his possible absence, he constituted and solemnly appointed and substituted Sir John Akynheid the liferenter ("*Vsufructuarium*") of said place, to whom the fruits thereof are reserved by apostolic authority and committed to him all his power and jurisdiction over the place and canons in his own absence, without prejudice, however, of his provision of the priory and the bulls granted to him by the Roman Court. He craved instrument. Done in the monastery as above. Witnesses, Master Duncan Oudny, Thomas Autane, Thomas Oudny and canons. 9 *a.*

1522–1523.

25. Instrument narrating that Patrick Huid and Besseta Manro, his spouse, on the one part, and Thomas Ardre on the other part, agreed upon Alexander Pittoun and George Pattoun, for Thomas Ardre and John and Andrew Makky for Patrick H. and his wife, and Alexander Leslie of Kincragy, oversman, as arbiters concerning the division and participation of the goods of the late Marjory, mother of said Elizabeth or Besseta Manro, with provision that the parties and their arbiters shall compear at the

parish church of Fatherneir (?) on 16th April next to give sentence, the parties not compearing to lose their case unless a reasonable cause be alleged. Also if the arbiters at said day and place do not agree, they shall choose such other day or place as may be expedient. Done at the Chapel of Gareaucht 22nd March 1522. Witnesses, Ingram Leslie, David Myl, Andrew Mvyr, James Davidson and James Blak. 9 *a.*

1523.

26. Instrument narrating that James Gordon of Abirgeldie passed to the personal presence of Walter Ogilvy in Boyne as distributor of his ward and marriage, and with due instance, required Walter to give and find him a wife equal in rank to be joined in lawful marriage according to the form of law usual in such cases, because he had come to the years of discretion and marriage, protesting for remedy of law if he did otherwise. Walter O. having heard the reasonable request of James G. declared he was willing to agree, and offered a certain maid named Jonet Sinklayr as fitting in all things or another maid Elizabeth Ogilvy also a fitting match. Done in the larger chamber of the palace of the bishop of Aberdeen in presence of the bishop and others 24th April 1523. Witnesses, Gavin, bishop of Aberdeen, Master Alexander Gallouay, rector of Kinkel, Master Duncan Oudny, chaplain, Robert Gordon of Fetterlatter and David Duncanson. 9 *b.*

27. Instrument narrating that William Forbes of Corsindave delivered to the notary a letter of obligation to be read and copied, as follows (*in the vernacular*):—William Forbes of Corsindave and James Gareaucht of Kinstair are bound and straitly obliged and oblige themselves their heirs, executors and assignees to James Forbes of Auchintovil his heirs, etc., that for as much as John Lord Forbes has sold to the said James F. his own marriage which was in Lord F.'s hands, for 200 merks Scots, the granters shall warrant and defend James F. his heirs, "one hurt harmyt, skathit or trublit" for the said marriage at the King's hands, the Earl of Rothes hands, Margaret Gordoun's hands and all others who claim right to the said marriage: and the granters bind themselves to make no appeal nor "deletry" to any judge temporal or spiritual, or if they do, it shall be of no effect, but they shall abide the "jugis ordinar of Abirdene." (The date and place of signing are not given.) After the reading of which obligation, William Forbes protested that if he happened to seal or subscribe it, it should not prejudice him or his heirs, etc., and wherever found, in judgment or outwith, it should be of no force until Lord Forbes should make and deliver to him a letter of obligation to warrant and keep him scatheless, as he had promised, at the hands of all having interest, because the protest was made in presence of the notary before the sealing or signing of the obligation. Done in the larger chamber of the Monastery of Monimusk, before John, prior thereof, and others, 21st May 1523. Witnesses, John, prior of Monimusk, Master Duncan Oudny, chaplain, Robert Marsal, and William Zung. 10 *a.*

1523–1524.

28. Instrument narrating that George Keytht residing in Auchquhorsk, in the parish of Banchoriterne, asserted that he, on the one part, and Alexander Makumsone *alias* Forbes, on the other part, agreed and bound themselves to adhere to the decree of William Forbes of Corsindave and John Skene on behalf of Alexander F. and of Sir John Carleil and Archibald Michel on behalf of George K., concerning certain questions and disputes in said agreement. George further asserted that it was agreed that if the parties and arbiters did not compear on a day at the parish church of St. Mary of Monimusk, the party failing should lose their case. He offered himself ready with his arbiters to stand to their decree, protesting

that the absence of Alexander and his arbiters should not prejudice him. At the parish church of Monimosk 22nd March 1523. Witnesses, Alexander Clerk, Findelay Cristison and Patrick Cromme. 10 *b.*

1524.

29. Instrument narrating that Sir John Haye, canon regular of the monastery of Monimosk, declared that a certain inhibition with monition was laid by Mr. Thomas Scherar, dean of Christianity of Straythdown, upon his annual pension of the rents of Eicht sequestrated in the hands of John, prior of the monastery, for excessive sums incurred by him, and he denies the same to be true and that it should not prejudice him in future, and protested for remedy of law. In the town of Monimosk 8th April 1524. Witnesses, Patrick Huyd and Elena Tullaucht. 11 *a.*

30. Instrument narrating that John, usufructuar of Monimvsk, personally appeared in a court of said monastery held there by Thomas Davidsone of Auchinhamperis, and asserted that he had charged George Mawnour, officer, and given him command to warn James Melving, son of Alexander Melving in Lauchsanye, for certain faults committed by him, to compear said day and place in this court. The said officer faithfully promised to deliver to said prior or usufructuar the best beast called the "best aucht" which he at present has if he should approve the foresaid. At Monimvsk in presence of said judge 13th May 1524. Witnesses, Alexander Melving, Robert Mersar, Patrick Huyd and Patrick Cragmyll. 11 *a.*

31. Instrument narrating that Alexander Straquhyne of Ledinturk, Sir James Hunter, curate of Loquhell, John Quissait (?), John Joffrai, Andrew Zuyll, Donald Toucht, John Buchane, John Scheres, John Tailzour, John Valcar, John Red, James Mathe, Elena Angus, Alexander Wat, John Reche, William Reche, Mariota Patre, James Wallace, James Andree, John Andree. Patrick Reid, Duncan Davidsone, Alexander Jokke, John Vanton, Laurence Ramsay, Andrew Robertsone, Christian Gillespy, Duncan Ingrame, Malcolm Wat, David Vat, Duncan Buchane, Andrew Roust, Alexander Roust, Agnes Rust, Jonet Mechel, William Mechel, Alexander Fleger, Margaret Mores, William Marno, Alexander Marno, Christian Deyr, Alexander Thome, John Donald, David Jhonston, Isobella Jhonstone, Margaret Andre, Alexander Mechel, Jonet Tarveis, John Mortimar, John Forbes, Andrew Stevyne, Elen Bur, George Forbes, John Stovit, Alexander Stevyne, Margaret Vobstar, Allesone Wilsoun, James Mechel, Jonet Mortimer, John Gordon of Quisne for the tenants of Easter Foulis, Alexander Davidsone, Mariota More, Thomas Nicholsone, James Thome, parishioners of Loquhell (Leochel) chose John Valentyne, son of Thomas Walentyne *alias* Clark, as parish clerk of said parish ; so also Patrick Elmislie, Findlay Moreis, Duncan Gillespy, John Jhonstone, Alexander Jamesone, David Roust, William Roust, Adam Myll, William Myll, John Myl, John Tailzour, John Elder, parishioners of the said parish, and lastly on 24th June John, usufructuar of Monimvsk within the monastery of M., and William Mortimer of Craigiuer, Alexander Fardil, Duncan Toucht, Walter Thome, Thomas Walcar, Duncan Mortimer and William Sovter gave their votes to said John V. to enjoy and possess said office of parish clerk with all emoluments when it shall be vacated by the demission, resignation or decease of Thomas Clark, clerk of the same, who asked instrument. Done in said parish between 11 a.m. and 5 p.m. 24th June 1524. Witnesses, John Makky, Alexander Coblair and John Mortimer. 11 *a.*

32. Instrument narrating that Patrick Gordoun of Savquhyne, on the one part, and Alexander Melving in Lauchsanye on the other, agreed upon arbiters, viz., Alexander Irving of Drum Knight, William Forbes of

Corsindave chosen by Patrick; Mr. Alexander Galloway, rector of Kinkel, Mr. Alexander Hay, rector of Turref, chosen by Alexander M., and Gilbert Menzies, provost of Aberdeen, oversman, and obliged themselves to adhere to their decision as to payment of the marriage goods of Elizabeth Gordoun, daughter of the said Patrick, affianced with Alexander Melving; and also by reason of all debateable causes moved betwixt the parties up to date, so that the arbiters may convene and give sentence within the place of the friars minors of Aberdeen on the next lawful day after the feast of St. Michael next, with usual clauses as to choosing new arbiters, etc. Done at Clone 13th August 1524. Witnesses, William Forbes of Tochquhone, James Straquhine in Tulicarne, William King in Bourty and Alexander Jhonston in Creychmont. 12 *a.*

33. The same day, John, usufructuar of Monimvsk, became cautioner to fulfil and pay to Patrick Gordoun of Sauchine whatever sums or goods made or to be made (payable) by any arbiters to Elizabeth Gordoun, his daughter, affianced with Alexander Melving, or which shall be decerned to Patrick by any judge, and specially 16d. daily to be paid to Elizabeth for her expenses until the action of divorce depending betwixt them be finished, and she shall be sentenced. Moreover, Alexander Melving obliged himself to keep the said John scatheless at the hands of Patrick in all debateable matters to this date, in token of which, Alexander delivered his moveable and immoveable goods to said John to keep him scatheless and for payment of the 16d. daily, which failing, the said John promised to deliver Alexander's goods to Patrick. Done at Clone as above. Date and witnesses as in preceding minute. 12 *b.*

34. Instrument narrating that Thomas Davidsone of Auchinhamperis, on the one part, and Robert Lummisdane of Madlayr, on the other part, agreed upon William Forbes of Kildrumme, William Forbes of Corsindave, Alexander Burnet of Leis, Alexander Straquhyne of Lenturk and Thomas Straquhyne, heir apparent of Lenturk, as arbiters, concerning the division of the marches of the lands of Wester Foulis, in the parish of Loquhell, and Knokreocht in the parish of Quisne (Cushnie); provided however that the arbiters shall walk or ride the boundaries of the lands that they may more conveniently advise about the division, the parties promising to obey their award. The arbiters accepted and promised to give decree between now and the feast of All Saints next to come. The parties bind themselves not to intromit with or labour the debateable bounds until after said feast, unless in the common pasture on east side only, protesting however that the division and non-occupation of the lands should not prejudice them and their heirs. Done on the lands of Crag 26th August 1524. Witnesses, John, prior of Monimusk, John Straucquhyne in Kincragy, Thomas Burnet, Alexander Strauchyne, William Zung and Robert Marsar. 12 *b.*

35. Instrument narrating that Gilbert Keyth of Troup acknowledged that he had received from William Forbes of Corsindave and Thomas Strauchyne, heir apparent of Lenturk, the sum of 850 merks, namely 450 merks Scots in part payment of a larger sum owing by William and Thomas to him, cautioners of Lord Forbes, for his marriage with the daughter of said lord, namely 600 merks; and he acknowledges full payment of the said sum of 850 merks, and exonerates William and Thomas of the principal sum except 100 pounds not paid to Gilbert. Done at Corsindave 8th August 1524. Witnesses, Duncan Forbes, John Robertson and David Gray. 13 *a.*

36. Instrument narrating that Mr. Alexander Simsone, rector of Monimvsk, exonerated and discharged, for himself, his executors and assignees, William Forbes of Corsindave of all sums of money and victual formerly

due to him as rector by said William or intromitted with by the late Duncan Forbes, father of William, at any time bypast, of which debts and claims transacted to date the rector discharges William and Duncan. Done within the parish church of Monimvsk 11th September 1524. Witnesses, Master William Boetis, Master Thomas Scherar, vicar or curate of Monimusk and notary, Thomas Stratauchyne and William Russall, dwelling within the parish of Monimusk. 13 *b.*

36a. The same day personally compeared William Forbes of Corsindave, who, after taking the great oath, faithfully obliged himself to implement and observe a certain contract entered into between him and Master Alexander Symsone, rector of Monimvsk, subscribed by him and by William Boetius, notary public, and he promised to observe the contract in all points. The said Master Alexander asked instruments. Place, date and witnesses as in preceding minute. 14 *a.*

37. Instrument narrating that Sir John Akinhed, usufructuar of Monimvsk, compearing personally at the parish church of Aufurd, asserted that he and John Gordoun of Hawheid had agreed to adhere to the decision of certain arbiters in certain causes betwixt them. He likewise declared that this day was the day expressed in the agreement; protesting that the absence of John Gordoun should not prejudice him as usufructuar in future, nor the agreement because he offered himself ready to fulfil it. At the church of Aufurd 30th September 1524. Witnesses, William Forbes of Corsindav, Alexander Strauchyne of Lenturk, William Mortimer of Cragivar and Thomas Davidson of Auchinhamperis. 14 *a.*

38. Instrument narrating that Patrick Gordoun of Sauchyne and Alexander Melving (*Cf.* No. 32) continued the agreement made betwixt them from 13th August 1524 to 18th October instant, that the arbiters might give sentence; binding themselves to fulfil the agreement. Done in the place of the friars minors of Aberdeen 5th October 1524. Witnesses, Master Alexander Gallowa, rector of Kinkel, Alexander Irving, heir apparent of Drum, Gilbert Menzes, provost of Aberdeen, and William Forbes of Corsindave. 14 *a.*

39. Instrument narrating that Mr. John Forbes personally compeared on the ground of the lands of Barnis, holding in his hands, certain letters of commission with two brieves from the Royal Chancery, obtained on the petition of Mr. John Forbes and Elizabeth Leyth, his spouse, as to the division and partition of the lands of Barnis, which letters he presented to William Forbes of Corsindave, named as bailie and commissioner, requiring him to do what was commanded. The letters being read by the notary, the bailie took oath on the gospels to fulfil the same and to be a faithful judge, in token of which he began a court, and caused all the servants thereof to be sworn. Also causing and commanding certain good men of the country cited by royal letters to be sworn to an assize, such as Thomas Davidsone of Auchinhamperis, Robert Lummisdane of Madlair, James Forbes of Anchintovil, and others as written in a schedule by the notary. Which jury and faithful men called and sworn to the assize, assigned a certain piece of land at the "Cottoune" of Barnis on the south side of the same as appears by the boundaries, to John Leytht, one of the portioners of the lands of Barnis, and to Jonet Leytht, his spouse, as they have assigned for their share for a principal house and orchard ("*pomerio*"), and they left the marches extending to as much length and breadth as in the principal messuage of the said lands of Barnis as is asserted by them. And they frequently requested John Leytht and his spouse, absent or present, to view the bounds, protesting that their absence should not prejudice them in future. Done on the lands of Barnis 10th October 1524. Witnesses, Sir John Gillespy, John Davidsone, William Zung, Robert Marsar, William Red and John Baxter. 14 *b.*

40. The same day William Leslie of Bochayne, procurator for John Leyth, himself present, in the said court in presence of the judge, alleged that the lands of Barnis belonged to John L. in heritage; therefore whatever was done by the assize or otherwise in said court should not prejudice him and his heirs in future as to the partition of said lands, because, as he alleged, John L. was not cited nor warned nor specially named in the king's brieves to compear said day and place to see and hear the foresaid. He protested for remedy of law. Same place, date and witnesses as in preceding minute. 15 *a.*

41. The same day Thomas Davidsone of Auchinhamperis asserted that the above protest by William Leslie, as procurator for John Leyth, was of no force, as he protested nothing except in general and nothing in particular as to the persons of the assize concerning the division of the lands, because, as he declared, the jurors were cited, called and sworn, and he protested that the partition should not prejudice them in future. Witnesses as in No. 39. 15 *b.*

42. The same day James Forbes of Auchintovil in presence of the judge, within the court, declared he had been cited to said court by letters of the sheriffdom of Aberdeen to said day and place; therefore whatever was done against him in the court of the sheriff of Ennarnes at Spey should not prejudice him and his heirs, because he could not compear in the two courts on the one day, and he protested he appeared there at the command of letters of the Sheriff of Aberdeen. Done at Barnis. Witnesses, Thomas Davidsone of Auchinhamperis, Robert Lummisdane of Madlar, Sir John Gillespy, chaplain, William Zoung, Robert Mersar and John Baxter. 15 *b.*

43. Instrument narrating that William Mortimar of Cragiuar, on the one part, and Thomas Davidsone of Auchinhamperis, on the other part, agreed upon John, usufructuar of Monimvsk, Alexander Strauquhyne of Lenturk, John Gordoun of Hawheid, Robert Luminisdane of Madlair and Thomas Straquhyne, heir apparent of Lenturk, as arbiters concerning the legacy and division of the goods of the late wife of Thomas; they oblige themselves to stand to their decree and to compear before the arbiters at the church of Toucht on 5th November next for determination of the premises with continuation of days and places, provided that the sentence be given between this and the feast of St. Andrew next, otherwise the agreement shall not prejudice the parties, who renounce all other judges except the arbiters, if they agree. Done at Toucht 23rd October 1524. Witnesses, William Forbes of Corsindave, Master William Toucht, Sir John Gillespy, William Hurre of Petfeche, John Makky and William (? Walter) Russel. 16 *a.*

44. Instrument narrating that John, usufructuar of Monimvsk, and Alexander Strauquhyne of Lenturk, two of the arbiters above named, with consent of William Mortimar of Cragiuar and Thomas Davidson of Auchinhamperis, continued the agreement in all points until the 7th November instant. Done at Toucht 5th November 1524. Witnesses, Master William Toucht, John Straquhyne in Kincragy and John Baxtar. 16 *a.*

45. Instrument narrating that Thomas Davidson of Auchinhamperis acknowledged that he took upon himself all burden and claim of the legacy or testament of the late Elizabeth Skeyne, his spouse, from William Mortimer of Cragyuar; and he promised to warrant the said William, his heirs, executors and assignees, concerning the claim of the late Elizabeth's goods at the hands of all having interest, and also concerning all pleas moved or to be moved on behalf of her testament. Moreover, for the suppression of strife, Alexander Straquhyne of Lenturk became cautioner of Thomas Davidson and promised to pay to William Mortimer

the sum of £10 in bear and oats, counting the boll of bear at 10s. and the boll of oats at 5s., with the fodder thereof, when required; and to pay to him to be delivered to a priest for a yearly service for the soul of said Elizabeth the sum of £8 Scots, at two terms, the Purification of St. Mary and the feast of St. Bartholomew. Thomas Davidson faithfully promised to keep his cautioner scatheless at the hands of William M.; and he promised to relieve all the tenants of the whole gressums paid by them to him of the years and terms of which the tenants had not complete profit and tack as for the terce of his said late wife, intromitted with by Thomas, because his wife died before the completed years of the terms of the lease set by them of which they had taken payment. Alexander Straquhyne also became cautioner for him to the tenants. William M. craved instrument. Done at the Church of Toucht 7th November 1524. Witnesses, William Toucht of Corsindawe, Master William Toucht, vicar of Pettache, John Stratauchyne in Kincragy, Sir James Hunter, curate of Loquhel, John Baxter and John Makky. 16 *b.*

46. The same day William Mortimer of Cragiuer exonered and discharged Thomas Davidsone of Auchinhamperis of all debts and claims, etc. due or to be due concerning the legacy and testament of Elizabeth Skeyne, late wife of Thomas. Place, date and witnesses as in preceding minute. 17 *a.*

47. Instrument narrating that Mr. John Forbes, portioner of Barnis, passed to the personal presence of Alexander Seitoun of Meldrum humbly asking him if he may be or is assignee in and to the lands of Drumrosse. Seitoun acknowledges that he is and has been assigned in and to these lands. Done at the Church of Inchis 8th November 1524. Witnesses, John, lord of Forbes, Master Alexander Gallowaye, rector of Kinkel, Thomas Forbes and Thomas Toucht. 17 *a.*

48. Instrument narrating that John Forbes in Tullo personally produced letters in the form of sasine of one rig of Pettis and of the lands of Petaquhy, lying in the territory of Monimvsk, under the seal of James, Archbishop of St. Andrews; which letters John F. presented to Alexander Forbes in Findo as bailie, requiring him to give sasine. The bailie after reading, etc., passed to the lands and gave sasine in due form. He also invested Elizabeth Gordoun, relict of the late John Forbes, father of said John, in possession of her conjunct fee, by rope and thatch ("*per funem et tectum*"), without however any precept being shown or known to the notary. Done on the ground of the lands 9th November 1524. Witnesses, John Gordoun of Hawheid, Master Thomas Scherar, notary, and Sir John Red, chaplain. 17 *a.*

49. Instrument narrating that Thomas Davidson of Auchinhamperis, procurator of Sir John Akinheid, usufructuar of Monimvsk, passed to the personal presence of Lord Forbes and asserted that the latter had some emoluments from the said usufructuar and monastery, by reason of which he is bound to defend and maintain them; which the said lord, upon inquiry, acknowledged to be true and promised to maintain the said usufructuar and monastery in their just causes so far as he might in law. Done at the Church of Toucht 10th December 1524. Witnesses, William Forbes of Corsindave, Alexander Gordoun of Straichdoun, John Baxter, John Makky and George Mawiuer. 17 *b.*

50. Instrument narrating that Thomas Ronauld (or Ronauldson "Ronauldi") son of the late William "Ronauldi" in Crag, acknowledged that he had received from Mr. Thomas Scherar, vicar or curate of Monimvsk, the sum of £6 : 19s. in money and one belt "Zonam" of silver, with "harnesing" ("*armatura*"), one "collar" of "velvet" ("*de abisso*"), a

silver cross with certain gems, two small or short sleeves ("*paruas manicas*") "*de abisso*" (? lawn) in a certain casket formerly given into the keeping of Mr. Thomas, to whom Thomas R. gave discharge. Done within the church of Monimvsk 13th December 1524. Witnesses, Alexander Mawiur, John Toucht, Thomas Brone and Alexander Cornabo. 18 *a.*

1524–1525.

51. Instrument narrating that Mr. Robert Elphinstoun, treasurer of Aberdeen, passed to the personal presence of the Lord bishop of Galloway, president of the Lords of Council, and asserted that he was cited by royal letters obtained at the instance of Mr. James Currour, to compear on said day at Edinburgh. Mr. James, however, did not compear but fraudulently absented himself, and Mr. Robert protested that what was done should not prejudice him. At Edinburgh in the lower chamber of said president 20th January 1524. Witnesses, Master John Wemiys and Thomas Elphinstoun. 18 *a.*

1525.

52. Instrument narrating that William Gordoune of Revane, assignee by a sufficient mandate, as appeared, of John Earl of Buchan, of the lands of Auchttralzeane (*sic*, but read "Carntralzean," see No. 55) with mill, Auchmvl, Beldestown, Parslie, Glasco, Crabstown, the alehouse of Carntrailzeane, lying within the sheriffdom of Aberdeen, passed to the parish church of Esse at the time of high mass, and there admonished and warned James Gordoun of Tullquhodilstane and his spouse, by public proclamation made at said church, to compear within the parish church of Banff at the high altar on 19th May next to receive a certain sum of money to be delivered to them by the Earl, according to two letters of reversion made by them to him; and also to receive letters of bailiary and whatever letters are made and to be made of such lands; protesting that if they would not compear, it should not prejudice William Gordoun. Done at the church of Esse 9th April 1525. Witnesses, Sir Patrick Marschel, curate, Sir Henry Zung, chaplain, William Mortimer of Cragivar and Donald Makky. 18 *b.*

53. Instrument narrating that William Mortimar of Cragyvar acknowledged that he bound himself to amend and renew a reversion of the lands of Vester Loquhell and Bandene, except the mill, with clauses of letters of tack and bailiary of said lands for five years, because in the letters of reversion to William Forbes and Margaret Lummisdane the said letters are not specified. In which case, William Mortimar shall not pay or cause to be paid to William Forbes and his spouse the sum of £400 Scots in gold and silver within a year after the date of the letters of reversion made to William and Margaret. Done at Drummynor 2nd May 1525. Witnesses, Alexander Straquhyne of Lenturk, Robert Lummisdane of Madlayr, Thomas Straquhyne, heir apparent of Lenturk, and Sir John Gillespey, vicar of Aufurd. 19 *a.*

54. The same day William Forbes of Corsindave obliged himself to have no interest with any profits of said lands of Vester Loquhel and Bandene for the instant year unless with the rents formerly used and received in the years last past by William Mortimer, laird of the lands, and a court to be held by William F. at the time and day of his investment of the lands only excepted. And if it should happen that William Mortimer should pay to William Forbes, his heirs and assignees, within a year after this date the sum contained in his reversion, then William Forbes, his heirs, etc., shall revoke and renounce all right and claim held and to be held by them, the rents of the instant year excepted; and also William Mortimer, his heirs, etc., shall have free regress to said lands. Same place. Witnesses as in the preceding minute. 19 *b.*

55. Instrument narrating that William Gordoun of Revane, assignee of John Earl of Buchan, in and to the lands of Carntralzeane with mill, Auchmul, Beldestoun, Glasco, Perslie, Crabstoun, the alehouse of Carntralzeane, Glenhouse, Beicht and Bannakelle, lying in the sheriffdom of Aberdeen, for redemption of said lands, compeared in the parish church of Banff at the high altar and there counted and caused to be counted the sum of 780 merks Scots ; which sum he offered to James Gordon of Twlequhoddilstane and Margaret Styvart, his spouse, whether absent or present, in complete payment of the sum of 1580 merks, it being understood that James G. had formerly received the sum of 80 merks (*sic—octuaginta* (?) for "*octingentarum*") which he promised to allow in payment of said principal sum, according to his obligation, and this for the release of said lands. William G. also offered with said sum two letters of tack made to James Gordon and his spouse for the space of 15 years, the one of the lands of Carntrailzeane with mill, Auchmul, Beldestoun and Glasco, and the other of Perslie, Crabstoun and the "ailhous" of Carntrailzeane, with letters of bailiary, as in the letters of reversion : And because James and Margaret did not compear as they were warned, the said William deposited and consigned the money, counted in presence of the notary, with the letters of tack and bailiary in the hands of William Mortimar of Cragiver to be kept with him for the use and behoof of James and Margaret. Lastly William G. protested that the absence of James and Margaret or their refusal to receive the sums and letters and to resign in favour of the assignee and restore to him the lands, should not prejudice him either in the property of the same nor in the rents, but that he, as the true assignee of the said Earl shall have free access and regress in terms of the letters of reversion and of the King's letters of regress. Done at Banff on 19th May 1525 between 10 a.m. and 4 p.m. Witnesses, William Mortimer of Cragivar, Alexander Gordoun, James Gordoun, Thomas Scot, Robert Vod, Sir Gilbert Bard, Henry Zung, chaplains, Donald Makky and Patrick Duncan. 19 *b.*

56. Instrument narrating that William Forbes of Corsindave and Margaret Lummisdane, his spouse, personally compearing, produced letters containing a form of sasine of the lands of Wester Loquhel and Banden under the seal of William Mortimar of Cragivar, and presented said letters to Patrick Forbes in Kenmai named as bailie. Which letters (or precept) addressed to Thomas Strauchyne and Patrick Forbes, narrating a grant to the said William Forbes and spouse of the lands named with pertinents, except Knoccando with mill, lying in the Earldom of Mar within the sheriffdom of Aberdeen, being read, the bailie, as requested, duly gave sasine. Done on the lands 27th May 1525. Witnesses, Arthur Forbes, John Paterson (Patricii), Thomas Toucht and William Zung. 20 *b.*

57. Instrument narrating that Sir John Akinheid, usufructuar of Monimvsk, appeared personally on the ground of the town of Glentoun within the parish of Keig, and there, he asserted that certain houses or dwelling places had been changed and built of new from the east side of the burn of said town, in fraud and deception of the vicarage of Keig ; protesting that the said rebuilding and change of the tenants should not prejudice him as usufructuar and the priors and their successors of the monastery and vicars of Keig as to payment of the fruits of the vicarage in future. On the grounds of the lands newly built on, 30th May 1525. Witnesses, Alexander Ouste, John Thomisone, indwellers in Glentoun, John Makky, Alexander Coblair and John Baxtar. 21 *a.*

58. Instrument narrating that Sir John Akinheid, usufructuar of the monastery of Monimvsk, appointed and named a young man James Forbes, heir apparent of William Forbes of Corsindave, as his true assignee, and factor and donator for receiving and having the growing grain upon

the four oxgang of the lands of Polflug with his four ploughing oxen and four cows, and that because of special favour toward James F. so that he may intromit with the goods and grain after the decease of the usufructuar; and he likewise assigned to Elizabeth Forbes, daughter of said William, because he was her godfather, and for other reasonable causes moving his mind, the four oxgang lands of the town of Banly, in the lordship of Mar, which the usufructuar held in feu or blench farm from Alexander Panton of Petmeddane under reversion as is asserted; which four oxgangs of land with charters and evidents, and for receiving the sums of money lying upon them with four cows and four oxen and the grain upon the same after the decease of the usufructuar, he has given and conferred upon Elizabeth for her use and behoof Done within the said monastery 31st July 1525. Witnesses, William Russell, John Baxter, Robert Merser and Margaret Lummisdane. After the names of the witnesses is added a clause that the said usufructuar declared he had the lands and goods of his own industry and acquirement. 21 *b.*

59. Instrument narrating that William Forbes of Corsindave for himself, his heirs and assignees, discharged William Styvart (Stewart) of Porterstone, his heirs, executors and assignees, of the marriage of said William S., and of all sums of money delivered to William Forbes for the ward and relief of the lands of Porterston, and likewise of all other claims and dues held by Forbes or to which he has title against William S. In which case Styvart shall marry Isobella Paterson, lady of the lands of one rig of Pettis. Done in the front hall of the monastery of Monimvsk 15th September 1525. Witnesses, Henry Forbes of Thanistoun, William Forbes, Thomas Toucht, Sir Alexander Zung, Sir John Murref, chaplains. 22 *a.*

60. The same day Elizabeth (or Isobel?) Paterson, daughter of the late Thomas Paterson, one of the lairds of Pettis, personally appeared on the lands of Porterstoun holding in her hands letters in the form of a precept of sasine from William Styvart of Porterstoun, and required John Robertson, the bailie named, to give her possession. Which letters (dated at the monastery of Monimask 14th September 1525) narrates that William S. of Porterstoun granted to Isobella Paterson for her lifetime one-third part of his lands of Porterstoun with a third part of the mill of the same, in the regality of Gareaucht and sheriffdom of Aberdeen; and which being read, the bailie duly gave sasine. Done upon the lands as above. Witnesses to the letters, John, usufructuar of Monimusk, Henry Forbes of Thanston, and William Forbes, his heir apparent. Witnesses to the instrument, Robert Jois, George Melving, Mariot Jhonston, Gilbert Toucht and John Myll. 22 *a.*

61. Instrument narrating that Sir John Akinheid, usufructuar of the monastery of Monimvsk, asserted that Sir David Farle, prior of said monastery, had made a certain common seal of the monastery of new, with consent of Sir John Hay, canon regular of the same, but without the consent and advice of the usufructuar, and he, as far as in him lay, quashed and annulled the seal, and protested it should not in the future prejudice him as usufructuar. Done in the cemetery of the monastery 13th October 1525. Witnesses, Sir John Carleil, vicar of Glenbuchat, Peter Carleil, his brother german, and William Russail. 23 *a.*

62. Instrument narrating that Alexander Ouyste, younger, acknowledged that he had received and intromitted with, in name and on behalf of Walter Makrel, son of the late William Makrel, one ox, one "quiak" (quey?), one calf, one bullock, seven brood ewes, two rams, three "hoggis," and some household utensils of his late father as for property and part of his goods, extending in all with the utensils to the sum of 9 merks; which sum Alexander promised and obliged himself to pay to Walter

when he arrived at the years of discretion and his majority, in pennies and pennyworths. He also promised to maintain Walter in meat and drink till his majority at the sight of Duncan Elmslie, his tutor; which payment of 9 merks so made, Duncan E. quitclaims to the said Alexander, and asked instrument. Done at Glentoun 11th December 1525. Witnesses, John Craggy, Duncan Elmslie. (The "wife of Alexander" is referred to as a witness but her name is not given.) 23 *b.*

1528.

63. Instrument[1] narrating that William Mortimar of Cragiuar personally compeared, holding in his hands certain letters containing a form of sasine of the lands of Auchquhorteis, Blayrdaf and Auchquhorsk, under the seal of Alexander Leslie of that Ilk, as overlord of the same, and Christian Leslie, his spouse; which letters he presented to Alexander Mortimar, the bailie named, requesting sasine to be given; and who, after the reading of the letters, went to the lands of Auchquhorteis, and gave possession in usual form. Done on the lands 20th May 1528. Witnesses, Patrick Myll, John Smyth, John Boig, John Duncan and John Andro. 24 *a.*

1529–1530.

64. Instrument narrating that Thomas Donaldsone, residing in the parish of Kindrocht, passed to the personal presence of John, prior or usufructuar of Monimvsk, and of William Forbes of Corsindave, arbiters chosen betwixt the said Thomas and Duncan Donaldson, his brother german, concerning the division of the goods of their late father and other causes betwixt the said Thomas and Duncan, as appears by an agreement. Thomas D. required the arbiters to give their decree arbitral because they were sworn to do so that day. They acknowledged that they had undertaken to give decree on behalf of Thomas, seeking often the said agreement that they might give their award upon it; protesting that the absence of the agreement should not prejudice them as to their oaths. At last, Thomas D. protested that though the said arbiters were unwilling to give decree, it should not prejudice him because he offered himself ready to fulfil the agreement. At Monimvsk, in the cemetery, 6th February 1529. Witnesses, Sir John Carleil, vicar of Glenbuchat, Sir John Red and Sir Gilbert Robertsone, chaplains, and William Styvart. 24 *b.*

1526.

65. Instrument narrating that Thomas Reid, residing in the parish of Clvne, faithfully promised to give, and does give and deliver to Sir Thomas Mukart, curate and farmer ("*firmario*") of Clvne, 12 brood sheep; in which case Sir Thomas shall have rightly proved that Thomas had in the year last past 30 brood sheep for which he ought to pay the teind casualties. Done in the Cathedral Church of Aberdeen 25th April 1526. Witnesses, David Reid, Thomas Stracauchyne, John Ingrame, Robert Smyth and William Smale. 25 *a.*

1527.

66. Instrument narrating that Henry Red, son of the late William Red, constituted and appointed Sir John Carleil, vicar of Glenbichat, Sir John Gillespy of Aufurd, vicar, John Vannan and Robert Marsar as his procurators for compearing before John, Bishop of Brechin, to resign his lands lying in the territory of Breechin on the west side thereof between the lands of John Vemis on the north, the lands of Mr. William Meldrum, vicar, on the south, the College burn on the west and the high way on the east, with yards and buildings, into the hands of the

[1] This entry and the next appear out of their due order, the intervening items having apparently been omitted and inserted later.

Bishop as overlord, in favour of Mr. David Petcarne, archdeacon (of Brechin). Done within the monastery of Monimvsk 9th September 1527. Witnesses, John, prior of Monimusk, Alexander Forbes, John Baxter, Alexander Cuyk, William Stot and Alexander Durty. 25 *a.*

67. Instrument narrating that John Makky, procurator in name of John, usufructuar of Monimvsk, compeared upon the ground of the lands of Carnaveran in presence of James Strauchyne and his mother, dwellers on the same, and imposed upon the teind sheaves intromitted with by them, without licence or tack from the usufructuar, the sum of £10 to be paid at the usual terms. Done as above 26th September 1527. Witnesses, William Stot, Alexander Toucht and John Ryne. 25 *b.*

68. Instrument narrating that Robert Hart *alias* Master Buyt ("Magester Buyt"), one of the pursuivants ('*cursorum*') of King James the Fifth, showed and presented certain letters of the King, containing the sum of £12 taxed or imposed by the Lords of Council, to John, usufructuar of Monimvsk, who offered to the pursuivant in name of the King £8 in part payment, that he might more easily pay the remainder; which sum of £8 the pursuivant refused. Done in said monastery 3rd November 1527. Witnesses, William Forbes of Corsindave, Master Andrew Lesle, William Russaill, William Straquhyn and John Cuyk. 25 *b.*

69. Instrument narrating that it was agreed betwixt John Orner of Carndave and Patrick Horner, his son and heir apparent, that if the ward of the lands be redeemed in time of ward then Patrick Horner shall, with consent of his father, have in contentation of the same the whole lands of Liyne and Auld Carndave in warrandice of the same; and John Horner with consent of Patrick shall have the lands of Mekil Carndave for all his life time. Done before the front door of the church of Monimvsk 1st December 1527. Witnesses, William Forbes of Corsindave, Master William Toucht, Gilbert Toucht and Patrick Horner. 25 *b.*

70. Instrument narrating that William Forbes of Corsindave protested that although Margaret Lummesdane, his spouse, had found William Zung and John Robertsone as cautioners for her to pay Patrick Horner for the dowry of her daughter Cristine Jhonston with said Patrick the sum of 40 merks, it should not prejudice the said William. Done in the inner chamber of the monastery of Monimvsk 5th December 1527. Witnesses, Master Thomas Scherar, notary, Master William Toucht, and the said William Zung and John Robertsoun. 26 *a.*

1527–1528.

71. Instrument narrating that Sir John Gillespi, vicar of Aufurd, gave to Mr. John Duncanson his right of tack of the vicarage of Tulinestyne (Tullinessle) obtained by him from Mr. Hector Boece, vicar of the same, with all the profits thereof, as he has them during the time of his tack; the said Mr. John entering at the term of the Finding of the Cross (3rd May) 1528; for which fruits Mr. John shall pay to Sir John between this and Martinmas next the sum of £9 Scots. Done at Aberdeen 1st February 1527. Witnesses, John Baxter and Thomas Patersoun. 26 *a.*

72. Instrument narrating that Thomas Anderson, son of John Anderson, burgess of Aberdeen, for himself and his father, on the one part, and John Patersone on the other part, agreed upon Mr. Alexander Haye, rector of Turref, William Forbes of Corsindave, William Rolland, burgess of Aberdeen, Sir Robert Roust and Sir John Gillespie, vicar of Avfurd, and to adhere to their award as to all complaints, questions and causes moved or to be moved by reason of art and part of the slaughter (?) of

the father of said John Patersone alleged by him, commonly called "Crogal"; and also as to all other complaints and causes up to date, under pain of £40 to be paid by the party failing to the party keeping the award; the arbiters were to meet and give sentence within the place of the friars minor of Aberdeen. Done at Aberdeen within said place 3rd February 1527. Witnesses, Sir John Carleil, vicar of Glenbuchat, Sir Walter Elmisle, John Straquhyn, William Brabner, and John Elmisle. 26 *b.*

1528.

73. Instrument narrating that Junenus Gardyne of Blakfurd declared himself grievously injured in the consistory of Aberdeen by a sentence given by the commissary thereof in a cause moved by Sir William Sillyr, one of the vicars of the choir of Aberdeen, against Gardyne on account of the multure of the mill of Folai (Folla?); for which reason he appealed to the Archbishop of St. Andrews and the Bishop of Aberdeen, and protested that the sentence should not prejudice him as to his right and for remedy of law. Done on the ground of the lands of Fathirneir 18th September 1528. Witnesses, David Roucht, David Mersentoun, and Elizabeth Forleyth. 26 *b.*

74. Instrument. A copy, abbreviated, of the instrument in favour of William Mortimer of Craginar, of date 20th May 1528 (*Ante*, f. 24*a*, No. 63). 27 *a.*

1528-1529.

75. Instrument narrating that there compeared in the parish church of Innerovry, in time of high mass, James Forbes of Auchintovil, holding in his hands certain letters of reversion or redemption of the lands of six roods with house, lying in the territory of Innerovry, under the seal of the late Patrick Leslie, burgess of Aberdeen; which letters being read aloud by the notary, the said James warned the heirs, executors and assignees of the late Patrick Leslie to compear within said church on 27th February next to see and hear the said lands redeemed and to receive the sums of money contained in the reversion and to do what James is bound to do; and he protests that if they do otherwise it should not prejudice him. Done in the church of Innerovry 26th January 1528. Witnesses, Master John Ronauld, curate, William Blakhall of that Ilk, John Chawmer, Walter Banzeoucht and John Andersone. 27 *a.*

1529.

76. Instrument narrating that John Chapman on his great and solemn oath, promised to deliver to William Forbes of Corsindave a precept of sasine of his lands of Pettis, lying within the territory of Monimusk, so soon as the said John shall be seised in the lands. He likewise obliged himself to make and deliver to Forbes a sufficient procuratory for resigning the lands in the hands of the Archbishop of St. Andrews as overlord, in favour of Forbes; which resignation being made, the said William faithfully promised to pay to said John in complete contentation the sum of £10 Scots with a half of the cross of the high altar of St. Mary Virgin of Monimusk to be paid by John to the collectors of said church as shall seem expedient to them, as much as shall be paid for the other half (*i.e.* probably to relieve John of half of his payment). And because the said John is not yet seised in the lands, William Hurre of Petfeche promised to fulfil all things in name of John, and in case of failure, to invest Forbes in his own lands of Petfeche until all things are completed. Done in the parish church of Monimvsk 19th January 1529. Witnesses, John, prior of Monimvsk, Sir John Red, David Duncansone, John Puyll, William Zung and George Mawiur. 27 *b.*

77. A fragment of an instrument narrating that John Anderson, one of the bailies of Innerovry, compeared upon the lands of one rood lying on east side of said town between the lands . . . [*half a page blank*]. 27th May 1529. 28 *a.*

78. Instrument narrating that Alexander Gordoun at Brechat (Braco?) compeared, holding in his hand certain letters of sasine under the royal seal, of the lands and barony of Knokynblvis, which he presented to Robert Maitland of Auchincreif, the bailie named, requiring him to give possession ; who, after reading of the letters by the notary, passed to the lands and gave sasine of the barony of Knokynblvis. Done at Brachat in the principal house thereof 7th August 1529. Witnesses, Patrick Gordoun of Haddoch, Sir David Rany, John Patre, William Smyth, John Stot and William Rany. 28 *b.*

79. The same day Alexander Gordoun of Brechat gave up and delivered all his right and claim to the lands of Park of Kellie, Overhil and Thortoun, lying in the barony of Auchtterellone, to his father, Patrick Gordone, for the lands of the barony of Knokinblvis. Place, date and witnesses as in the preceding minute. 28 *b.*

80. Instrument narrating that Walter Banzeaucht, one of the bailies of the town of Innerovry, compeared upon the ground of his lands of one rood with a house lying within the territory of said town, between the lands of the lord King on the east and the foreland of the same on the west, the land of Alexander Ronaldson and the lands of John Jhonstone on the south and north ; and there invested and inducted John Ronaldson into possession of the lands, except the fore land, in terms of a charter. On the lands 20th December 1529. Witnesses, Robert Fergus, officer, John Robertson, William Wobster, John Jak, John Vobster and John Andro. 29 *a.*

1530.

81. Instrument narrating that Cristian Hurre and John Makky, for his interest, and Thomas Ronaldson, son of said Cristian, compeared personally at the altar of St. Michael within the parish church of Monimvsk, asserting that they had been warned by William Hurre of Petfeche to compear said day and place to receive a sum of 120 merks lying upon a reversion of annual rent of the lands of Balquhorsk made by the late William Ronaldson to William Hurre, his uncle (?). The parties declared themselves ready to receive the money and each of them protested that the absence of William Hurre should not prejudice their rights. At the said altar in said church 16th July 1530. Witnesses, Sir John Red, Andrew Skeocht, Duncan Strauchyn, John Peyt and William Strqhyne. 29 *a.*

82. Instrument narrating that William Forbes of Corsindave, on the one part, and Alexander Pantoun of Petmeddan, on the other part, agreed as follows :—Pantoun obliged himself to deliver to Forbes, his heirs and assignees, charters, evidents and a precept of sasine of the lands of Baddynly held and obtained by P. from the late Alexander Ventoun in name of blenchfarm, with all necessary clauses, to be made by Pantoun to Forbes between this and Christmas next when required, and within six days after being required. And because Pantoun's spouse asserted sh. was in conjunct fee of the same lands, he promised to cause her to renounce it ; for which lands and evidents made and delivered, Forbes obliged himself to pay Pantoun 130 merks Scots at the delivery of the evidents. Done within the great chamber of the monastery of Monimvsk 13th December 1530. Witnesses, John, prior of Monimvsk, Sir John Gillespy, vicar of Aufurd, William Zung and Thomas Toucht. 29 *b.*

1530-1531.

83. Instrument narrating that William Blackhall of that Ilk gave up all his right claim and property in and to the lands of two roods lying in the territory of the town of Innerovry between the royal lands on the east and west and the lands of Patrick Forbes and John Williamson on the south

and north, to Robert Blackhall, his brother german, his heirs, etc.; in which case Agnes Blackhall, their sister, shall be placed in conjunct fee of the same during her life and not otherwise. Done in the town of Innerovry 6th March 1530. Witnesses, John Andrea, bailie, Robert Fergus, officer, Walter Jhonston, James Banzeaucht, Thomas Fergus, John Ronald, Alexander Ronald and William Vobster. 29 *b.*

84. The same day Robert Blakhall, burgess of Aberdeen, within the town of Innerovry, resigned the two roods above described (Williamson's lands being given as the south boundary) into the hands of John Anderson, one of the bailies of said town, in favour of Walter Banzeaucht who duly received sasine ; and then required the bailie to induct his spouse, Agnes Blakhall, in the conjunct fee of the lands ; whereupon the bailie placed her in possession of her conjunct fee in terms of her charter, by rope and thatch. Done as above. Witnesses as in the preceding minute. 30 *a.*

1531.

85. Instrument narrating that William Gordoun of Auchindoyr, with due instance, required James Tove, in the town of Warderis, to pay. in name and on behalf of Johne Brovne, forty brood sheep of two years old, commonly called " mailscheip " as for time past ; that if he should do otherwise and not pay the 40 sheep within eight days after this date, Gordoun protested for payment of the same with their fruits and for remedy of law. At Auld Rayne 10th October 1531. Witnesses, William Lyon, Master Thomas Chawmer, Patrick Gordon in Auchmenze, William Elphenston of Glak and John Duncan. 30 *b.*

86. Instrument narrating that Thomas Donaldsone, residing in Dalmuir in the parish of Kyndrocht, appointed William Forbes of Corsindave, his procurator and factor, to compear before Sir Robert Scheves, rector of Quisne (Cushnie), to ratify what was done by reason of a tack of the rectory and vicarage of Quisne, and (generally) to do as Thomas would had he been present. Done at the front gate of the monastery of Monimvsk 28th November 1531. Witnesses, Sir John Red, curate of Monimusk, Arthur Forbes in Absmato, David Sibbait and David Andersone. 30 *b.*

87. The same day Sir Robert Schevez, rector of Quisne, personally compearing, declared that although Sir William Forbes, curate of the same, is obliged to Thomas Donaldsone of Dalmoir, or any other in his name, to pay yearly to said Thomas from the fruits of the church of Quisne the sum of 130 merks yearly for three years to come, yet the rector promised to hold the curate scatheless at the hands of Thomas D. or others having interest, for the said space of three years. Done in the house of William Russall in the parish of Monimvsk 28th November 1531. Witnesses, Sir John Reid, curate, and William Russall. 31 *a.*

88. Instrument narrating that Merziota Setoun, lady of the terce of Auchintovil, leased and set to William Red, David Farchar, Gilbert Lessallis and Robert Mersair, if it shall please the latter, being absent, her whole third of the lands of Blayrdaf for the space of three years next to come, they paying to her yearly the same rent as Henry Farchar paid in time past, "*unacum aueragiis, careagiis*" used and wont paid by Henry, beginning at Whitsunday 1532 during said space ; and likewise William Forbes, son of Merziota, leased the teind sheaves of Blairdaf to the same tenants for a yearly sum, during the same term, of 21s. yearly ; and if the tenants shall fail in the usual carriages they shall pay, each one for each carriage, 4 pence, and for a long carriage a sum to be rated by Patrick Myll in Auchquhorty. The parties obliged themselves to fulfil the above. At the parish church of Fathernear on St. Stephen's day in December (26th December) 1531. Witnesses, William Toucht, Alexander Myll and John Duncan. 31 *a.*

1531-1532.

89. Instrument narrating that John, prior of the monastery of Monimvsk, and James Forbes of Auchintovil agreed on this wise:—James faithfully promised to maintain and defend the prior, his servants and the monastery, according to his power in all things lawful and specially as to the leading of the teindsheaves of Awfurd and of the manor of Auchintovil, and that he shall not disturb the prior nor displease him or his servitors by default; also that he shall not intromit, either by himself or his servants, with the teinds belonging to the prior without his special licence: For which maintenance and defence the prior has remitted to Forbes the sum of 31 merks obtained by him in the consistory of Aberdeen for the teindsheaves of the manor of Auchintovil, part of a larger sum; and in token of which James F. found William Forbes of Corsindave cautioner for payment to the prior of five merks at the feast of St. Bartholomew next in complete payment of 36 merks: Provided, however, that if James F. displease or cause displeasure to the prior or his servants by default in future he promised to pay the prior the above sum of 31 merks. Done at Monimvsk 24th January 1531. Witnesses, William Forbes of Corsindave, William Russal, Duncan Straquhine, Sir John Reid, Sir Gilbert Robertson, Richard Jhonston and Andrew Ros. 31 *b.*

1532.

90. Instrument narrating that William Lesle, residing in Drumblait, compeared before Sir Andrew Scherair, dean of Christianity of Gareaucht, asserting that he was excommunicated and not in Communion last Easter because of excesses charged and laid upon him at the last chapter. He asserted that the church ought to be ready (to receive?) true penitents; and he offered himself to obey the mandates of the church and to do what he ought to do in law, humbly requiring the dean to give him absolution that he may dwell among the faithful of Christ. The dean alleged that he had no commission to absolve him in such excesses for which he was accused, but asserted that such defaults are reserved for the general commissaries. Done at Innerovry 4th April 1532. Witnesses, Sir Gilbert Vaus, Master John Ronald, Sir John Thomsone. 32 *a.*

91. Instrument narrating that William Forbes of Corsindave personally compeared upon the lands of one rig of Pettis, holding in his hands letters of sasine issued by John Chapman (*cf.* No. 76) which he gave to William Hurre of Petfeche, bailie named; who, after the letters were read, passed to the lands named and gave sasine to William Forbes. Done 17th June 1532. Witnesses, John, prior of Monimvsk, Master Robert Elphinston, treasurer of Aberdeen, Sir John Carleil, vicar of Glenbuchat, Master William Toucht, Sir John Reid, Richard Jhonston and John Davidson. 32 *a.*

92. Instrument narrating that Alexander Cruschank, residing in Mekil Durno within the parish of Logidurno, compeared at the high altar of St. Mary of Logidurno, asserting that he is bound to purge himself with six purgations of the crime of adultery alleged and charged in the last visitation of the deanery of Gareaucht with the wife of Henry Clark. Alexander C. humbly and with due instance required the curate to receive his purgation with these purgations (purgators?) William Yung, Robert Jamesone, Alexander Mathoson, Thomas Jameson, Henry Edindeaucht, Gilbert Vilsone, William Froister and John Mathosone, who all with one consent offered themselves ready to purge the said Alexander of the above written crime at that time but not afterwards. The curate refused the said purgation, upon which Alexander craved instrument because he offered himself ready to fulfil all things contained in an instrument by Mr. Thomas Chavmer, notary. Moreover, Henry Clark protested that he made no impediment to Alexander and no

purgation was made, by reason of which he protested for remedy of law, and craved instrument. Done within the parish church of Logidurno in time of high mass on 10th November 1532. (A Sunday.) Witnesses, Sir Malcolm Thomson, Sir William Gladstains, William Lesle in Varthil, John Davidsone, William Blak and William Davidson. (*See* No. 109.) 32 *b.*

1531-1532.

93. Instrument narrating that Merziota Seitoun, lady of terce of Auchintovil, of free will and by oath on the gospels, approved and ratified an instrument by the late Andrew Clark, notary, concerning an assignation and grant of her terce of the lands of Auchintovil, Colquhork and Langhauch after the decease of Alexander Forbes, her husband, to William Forbes and Thomas Forbes, her sons, as appears by a public instrument of said notary; and she promised to fulfil all things therein contained notwithstanding that she acknowledged herself to have granted an instrument made by the present notary at Kemnaye, 21st February as above (*see* No. 149), of an excambion of her third of the lands of Auchintovil for the lands of the mill of Auchquhorty belonging to James Forbes of Auchintovil where she acknowledged herself to be and to have been content with the mill lands in the year (15)19, by reason of excambion between the said James and Margaret (*sic*) of said lands. Marziota, however, asserted that she had been forced and compelled by the said James Forbes, her son, laird of Auchintovil, to consent to the instrument of the present notary; in token of which she declared that James had carried her off violently on horseback to consent to said instrument, otherwise James would be deprived of all his lands of Auchintovil if she did not grant the instrument, which was false as is asserted by her; and she promised to fulfil all the things in the instrument of Sir Andrew Clark as to the assignation of her terce as above, and she gave her great oath on the Evangelists to observe the same. Done at the mansion of Kemna 23rd February 1531. Witnesses, Master John Gareaucht, notary, John Gareaucht, James Jhonstone in Thanstoun and William Gareaucht 32 *b.*

1532-1533.

94. Instrument narrating that Andrew Lesle, one of the lairds of Buchanstoun, set and leased to Henry Lesle, his heirs and assignees, four oxgangs, with one-half of his lands of Buchanstoun for the space of 19 years next to come, whose entry shall be at Whitsunday 1533, Henry paying to Andrew 40s. yearly. If Andrew should wish to sell the lands, he promised to sell them to Henry before any other, and Henry shall pay as much money as others are willing to pay. Likewise Andrew leases the lands for said space with all courts and their issues, herezelds "bludwetis" as freely as any land in Scotland is set or sold for 19 years, without hindrance or obstacle, and with all points contained in an instrument by Mr. Thomas Annan, notary public. Likewise, if the lands shall fall into ward by default of himself and his heir or heirs, Andrew obliged himself to warrand Henry for the said space; that in case of failure, Henry, his heirs, etc., shall have as many years after the ward as he lacks in time of ward within said space, to complete the nineteen years, year for year and term for term. Done at Fathirneir 6th January 1532. Witnesses, Patrick Cristisone, William Duncane, John Duncane, Thomas Cromme, John Curre and John Spens. 33 *a.*

1532.

95. Instrument narrating that James Gordoun of Colquhoddilstane asserted that he and Robert Burnet, son and heir apparent of Robert Burnet of Balmad, agreed to adhere to the award of William Lesle of Boquhane, William Gordoun of Auchindoir, Robert Styvart of Latheris, Alexander

Leslie of Kincragy and James Leslie in Rosevat by reason of a claim or dispute of the tenancy or manor of Balmad and other controversies betwixt them up to date, the party failing to pay £100 to the party keeping the agreement as appears by said agreement under the subscription of Mr. David Makkisone, notary public at the City of Aberdeen, 2nd October 1532; which agreement, James Gordoun delivered to the present notary, and after it was read, he passed to the personal presence of the arbiters and requested they would accept the decree arbitral upon them, which arbiters and specially William Leslie and William Gordoun as on behalf of James G. accepted the decree on his petition and said they would fulfil the agreement; James G. protesting that the absence of John Burnet should not prejudice his right, and protested for remedy of law. Done at the chapel of St. Mary of Gareaucht 20th October 1532. Witnesses, Master John Gordoun, chaplain, Master John Smovit, Alexander Gordoun and Andrew Stot. 33 *b.*

1532-1533.

96. Instrument narrating that John Paterson ("Patricii") in Durlathyne and Jonet Smovit on their great and solemn oath agreed to abide by the decree of arbiters Alexander Lesle in Kincragy, Alexander Gordoun of Brachaucht, James Lesle in Rosevat, Alexander Lesle of Balvane, with William Lesle of Boquhane as oversman about all complaints and questions by reason of the tenancy of Durlathin, lying in the sheriffdom of Aberdeen, and profit thereof to date, the arbiters to meet as often as need be and to give their sentence between this and the feast of the Finding of the Cross (3rd May) next to come. The arbiters, except Alexander Lesle of Balvane, upon their oaths, accepted decree at the supplication of the parties, who renounce all other laws, pleas and citations, libels, articles or depositions and expenses excepted. And because the said Jonet is not able, in law, to agree without the special consent of William Dikke, her husband, Mr. John Smovit promised to cause him to consent, otherwise the agreement shall be void. Moreover, William D. compeared personally at the parish church of Fathirneir on the Sunday following and ratified and approved the agreement, promising to abide by the award. William Leslie of Boquhane asked instrument. Done at the Chapel of Gareaucht 22nd January 1532. Witnesses, Alexander Leslie of Petcapil, Sir Robert Chavmer, chaplain, William Patricii, William Duncan and John Patre. Witnesses present, William Dikke, William Toucht, Patrick Mil, Ingram Mortimer and James Cromme. 34 *a.*

1533.

97. Instrument narrating that Alexander Jhonstoun of Creychtmont, procurator for Gilbert Buchane, who was also present, alleged that Gilbert and Walter Banzeaucht were obliged to abide by the award and counsel of their kin as to a certain letter compulsory ("*compulsorium*") obtained and raised by said Walter against Buchan, by reason of which the procurator asserted that Gilbert was ready to obey his kin according to his obligation, because if he did otherwise he protested for remedy of law. Walter Banzeaucht denied that he was obliged or agreed to obey the commands of any one on account of said letter (or execution) but he offered to do what he was bound in law. Done at Innerovry 24th April 1533. Witnesses, Sir William Raye, vicar of Kintor, Master John Ronald, curate, Andrew Jak, Walter Jhonstone and Alexander Ronauld. 34 *b.*

1532.

[1]98. Instrument narrating that Thomas Davidsone of Auchinhamperis passed to his lands within the territory of Monimvsk, between the lands of the rector of M. on the west and the lands of John Forbes on the east, the cemetery of the church on the north, and the lands of said town on the

[1] This entry is out of its order.

south called the "Scolaucht" lands, and invested William Forbes of Corsindave in possession of the lands in terms of a Charter by said Thomas D., who gave sasine with his own hands. Done on the lands 8th August 1532. Witnesses, William Hurre of Petfeche, Sir William Davidsone, notary, Sir Gilbert Robertsone, Duncan Straquhyne and John Makky. 35 *a.*

1533.

99. Instrument narrating that William Froister, on the one part, and William Tailzeour, on the other, obliged themselves to stand to the decreet arbitral of Patrick Forbes in Miltoun in Kemna, Thomas Roucht, William Toucht, John Gareaucht, with Sir John Cristisone as oversman in case of discord as to a dispute upon William Tailzeour, cautioner for Alexander Scot, by reason of a marriage of William Froister with the daughter of Alexander S. (*cf.* No. 169), the arbiters meeting when they can. In token, William F. consented to the absolution of William T. till the next Sunday before Whitsunday to come. Done in the aisle of St. Machar in the Cathedral Church of Aberdeen 7th May 1533. Witnesses, Patrick Cristison, Thomas Roucht and John Gareaucht. 35 *b.*

100. Instrument narrating that Elizabeth Gordoun, sister of Robert Lummisdane or Madlair, asserted there was an agreement between her and George Forbes to abide by the decree of certain arbiters as to matters in dispute betwixt them as appears by an instrument of Sir Andrew Skeoucht, notary. She offered herself ready to fulfil the alleged agreement, and requested William Mortimair of Cragiuar and Thomas Lumisdane of Ester Clovaye to accept this agreement, who offered on her behalf to give sentence on the controversies betwixt the parties. Upon which Elizabeth craved instrument, protesting that the absence of George F. and his arbiters should not prejudice her in future. Done at Monimvsk 18th May 1533. Witnesses, William Styvart, Alexander Gardyne, John Makky and Patrick Cromme. 35 *b.*

101. Instrument narrating that William Styvart of Porterstown compeared in his court held at "Canne burne" within the territory of the town of Porterstoun, by David Duncansone, bailie for the time, and passed to the personal presence of Andrew Jak, residing in the town of Innerovry, and asserted that Andrew had been warned to compear said day and place to show to the bailie in the court the evidents and charters, if he any has, of the lands of "Castel Zard" lying at the "Castelhil" of Innerovry, or to see the lands apprised to the said William as lord vested and seised of the same. Andrew acknowledged that he had been warned to that day as a peremptory term, but he exhibited nothing as to the lands; asserting that he is and has been in peaceful possession of them past memory of man; after which the bailie appropriated the lands of "Castel Zard" to William and his heirs, "and gef dovme apone the samin *de proprietate*" without any obstacle or impediment except that John Jak, fore speaker of Andrew, protested that whatever was done in said court beyond justice concerning the lands should not prejudice his rights, but Andrew and John protested nothing after the judgment or "dovm of properte," and challenged nothing except by the protest formerly made. Moreover, Henry Lioun warned Andrew Jak to remove from the lands at Whitsunday next under pain of law. Done on the ground of the lands in said court 9th January 1532. Witnesses, David Duncanson, John Jois, Henry Lioun and Alexander Gardyn. 36 *a.*

102. Instrument narrating that William Forbes of Corsindave compeared as procurator for William Styvart of Porterstoun, also present and consenting, and passed to the personal presence of Margaret Styvart, lady of the terce of the lands of Abergeldie, asserting that she was straitly

obliged to enter William S. in the tenancy of the town of Midmar, lying in the parish of Midmar, at Whitsunday last, according to her obligation made to William S., under the pains and censures contained in the obligation subscribed by the clerk of the consistory of Aberdeen; for which reason Margaret S. was required to fulfil the same. She acknowledged that the foregoing was true, but declared she could not enter William S. that day on account of the hindrances made by her sons, the Laird of Abergeldie and George Gordoun being in said holding, without grievance and loss. The procurator offered William S., present, as ready to receive the tenancy and to fulfil all things in the tack as he may be bound in law; protesting that it should not prejudice William S., his wife, his heirs and assignees, and he protested for remedy of law. Done on the lands 4th June 1533. Witnesses, Henry Forbes of Thanistoun, John Straquhyne in Kincragy, Duncan Straquhyne in Petmony, Sir John Gillespy, vicar of Aufurd, and Sir William Davidson, notary. 36 *b.*

103. Instrument narrating that William Red and James Makkay in Garlogy faithfully obliged themselves that if either of them happened to prevent or invade the other in their tenancy presently held in the lands or mill of Garlogy at any time future, the party invading shall pay to the other the sum of £40 in name of damages and expenses before they are heard before any judge. Done at Leylugis 28th July 1533. Witnesses, Sir John Red, chaplain, Duncan Keyth, William Leslie in Creche, William Andersone, John Folay and Alexander Mane. 36 *b.*

104. Instrument narrating that James Forbes of Auchintovil declared that he appealed against a sentence pronounced against him by Mr. Arthur Boece, commissary of Aberdeen, in a cause moved by William and Thomas Forbes, his brothers german, requiring him to be acted in the Commissary's books in an obligation to warrant 80 merks of the lands of the mill of Carncovle and Kinhard and the west part of the lands of Carncovle, to William Bishop of Aberdeen and his well-advised council and to the Archbishop of St. Andrews, and protested for remedy of law. Done on the lands of Collennie of Fathirneir 19th September 1533. Witnesses, Alexander Garvo, Andrew Reche, Andrew Robertson, John Curre and David Cristisone. 37 *a.*

105. Instrument narrating that William Forbes of Corsindave and Margaret Lummisdane, his spouse, compeared personally upon the ground of the lands of Mylboy, Garlogy, Forno and Auchincloych, having a precept of sasine under the seal of William Earl Marischal, subscribed by Beatrix Douglas, lady of the franktenement, and George, Bishop of Dunkeld, curators of the Earl; which precept they delivered to the bailie, Patrick Homer, requiring sasine. The bailie, after the precept was read, passed to the lands and gave sasine to William F. and his spouse "*precise et singelatim*" by earth and stone and placing them in certain houses of the lands. Done on the lands 4th November 1533. Witnesses, Gilbert Jhonstone, William Zung, Robert Marsair, John Forbes and William Reid. 37 *a.*

106. Instrument narrating that William Forbes of Corsindave passed to the personal presence of Duncan Caldair, residing in the parish of Aufurd, asserting that he was acted in the King's books on behalf of William Elphinstoun of Glak and Symon Elphinstoun as to satisfaction and "kinboit" for the slaughter of the late William Cauldair, brother german of Duncan, and having in his hands a paper schedule, of which the tenor follows:—"Thir ar the offeris that we Williame Elphinstoun of Glak and Symon Elphinstoun ar content to do til the wyf and barnis, kyne and freindis of Wmquhil William Caldair allegit til be slayne be ws as we that twik ws to compositioun of remissioun tharfor in the first

we are content til pas til the thre heid pilgrimmagis of Scotland and thair til gar do mes and suffragis for the saul. Swcundlie hovbeit we be sobir in gudis we ar contentit til paye the soume of tene merkis of monie efter the modificatioun and consideratioun of freindis." This schedule Forbes exhibited and caused to be read in presence of said Duncan and promised to fulfil the contents as cautioner for William and Symon. Done in the larger chamber of the palace of the bishop of Aberdeen 20th November 1533. Witnesses, Masters Laurence Cheyne and John Burnet, notaries, Patrick Forbes, William Zung, Sir John Gillespy and Patrick Horner. 37 *b.*

107. Instrument narrating that Alexander Forbes in Litil Abircavte passed to the personal presence of Richard Jhonsone, major or officer ("mauri") of James, Archbishop of St. Andrews, of the lordship of Keig and Monimusk, and humbly enquired of said officer if he had been fully and faithfully paid of all the rents grassums and customs of the tenancy of Litil Aubircavte for the times and terms past before this date by George Forbes and his assignees. The officer acknowledged that he had on behalf of the Archbishop been fully paid by George F. the sum due for the tenancy in terms of the tack to George, and he discharged the same to George and Alexander F. for ever. Done at Kemna 4th December 1533. Witnesses, William Forbes of Corsindave, William Andersone, William Marsar and Thomas Vestland. 38 *a.*

108. Instrument narrating that a venerable father, Sir David Farlie, prior of the place and convent of the monastery of Monimvsk, diocese of Aberdeen of the order of St. Augustine, plainly appeared within the Chapter of the monastery after stroke of bell, as use is, holding in his hands a process under the seal of John Baptist Bishop of Caserta, and subscribed by Girard Thuret, notary public, of date at Rome 3rd October 1522 (*cf.* No. 22), containing bulls of Pope Adrian VI. of and upon the provision of said priory of Monimusk granted to the said Sir David; which process he delivered to the notary to be read and published, who took it reverently in his hands and passed to the Chapter place of the priory, where, the canons being gathered at the stroke of bell, he read and intimated the process to them; after which prior David humbly and with due instance required Sirs William Vilsone, Andrew Masone, Patrick Andersone, James Child and Allan Galt, canons of the monastery, that they would do obedience to him as prior, and that each of them would do it according to the use of religion, not however because of the penalties contained in the process, but favourably and pleasantly. The canons with one consent replied, and each for himself answered and said that they and each of them would advise with the said prior and afterwards give him fit and due answer as to said obedience, and to do to him as they and each of them were bound to do in law. Done in said chapter 8th December 1533. Witnesses, Sir Andrew Skeoucht, notary, and Sir John Red. 38 *b.*

109. Instrument narrating that Alexander Leslie, apparent heir of John Leslie of Vardaris, procurator of Alexander Cruschank, residing in Durno, passed with the latter to the personal presence of Andrew Menzies, David Rane, Andrew Davidsone, John Davidsone, John Thomsone, Andrew Thomsone, Patrick Myll, William Crag, John Chapman, Robert Chavmar, Alexander Paterson, Robert Blak, James Mathovsone and Alexander Mathovsone, some persons of assize of Logidurno cited to an assize of visitation by the dean of Gareaucht, because Alexander C. could not comprehend all those cited on account of hindrance by water, who were not able to meet together,—and inquired if the said assize accused the said Alexander C. at the time of the visitation of the archdeanery last held at the church of Logidurno of adultery with the wife of Henry Clark. The assize for a part of those present with one

consent said that Alexander had been accused with Henry's wife in adultery by common voice and fame for a fault alleged to be committed with Henry's wife before the last synod and not after the synod, because they believed that it is asserted by a part of the assize that they ought to accuse the said Henry (*sic.* but *lege* Alexander) in respect of the common voice and report before the synod although he had been formerly accused for the same in the last Chapter before the synod. Alexander C. and his procurator craved instrument, protesting that the last accusation should not prejudice Cruschank. Done at the parish church of Logydurno 13th December 1533. Witnesses, Master Duncan Oudny, Sir John Thomsone and the said assize. (*See* No. 92.) 39 *a.*

110. Instrument narrating that Margaret Lioun, spouse of John Leyth, one of the portioners of Barnis, personally compeared on the lands of Nyvtoun (Newtoun) of Barnis, lying in the parish of Premnecht, holding in her hands letters of sasine of her conjunct fee, dated 12th December instant, of the half of the shadow lands of the town of Nyvtoun, under the seal of the said John Leyth ; these letters she presented to Gilbert Tulidef, bailie, who after the reading thereof passed to the shadow lands of Nyvtoun, and gave possession of the same to Margaret by rope and thatch. Done on 17th December 1533. Witnesses, the said John Leyth, John Criste, John Haye, Patrick Criste and John Criste, younger. 39 *b.*

111. Instrument narrating that Mr. John Govlis, procurator of Patrick Henrison, dwelling in the town of Luntus (Lentush ?), in the parish of Rayne, asserted that Patrick was pursued, in an assize of Rayne held there in a visitation of the deanery of Gareaucht, by Umfrid Hoyuie (Howie ?) alleging that Patrick had defamed him of theft of sheep, and the assize had not accused Patrick nor found any thing about him to that effect neither by depositions of the witnesses cited by Humfrey as to the scandal, and that the alleged scandal should not prejudice Patrick before any judge in future. Done at Lentus 22nd December 1533. Witnesses, Master Andrew Leslie, Alexander Crushank and William Philip. 40 *a.*

112. Instrument narrating that Andrew Cobane, on the one part, and Thomas Cobane, his brother german, on the other part, met and obliged themselves by a show of hands as follows :—Thomas Cobane for the suppression of strife and litigation, gave and delivered to Andrew C. all right and claim he has or shall have in and to the croft called "Croftcry" lying in the parish of Fathirneir, after the decease of Marjory Cobane, his mother, last dweller in the same, and if he shall prevent Andrew or interest himself in the croft after this date, he binds himself to pay 10 merks to Andrew. In like manner, Andrew C. gave up his claim in and to Croft mvyr with the "achyr" to Thomas C., and if Andrew fail in the premises he promised to pay 10 merks to Thomas if the latter do not prevent or forestall him and crave the said croftery from William, Bishop of Aberdeen, or the Chamberlain of Aberdeen ; the parties renounced the benefit of law. Moreover, Andrew promised to keep in plough with Thomas for ploughing said croft five plough oxen, Thomas to have three oxen. Done at Fathirneir 18th December 1533. Witnesses, Patrick Cristisone, officer, David Mersentoun, Robert Bissait, Andrew Robertsone and Patrick Meyrnis. 40 *a.*

113. Instrument narrating that James Allansone in Ardnelie abiding in the parish of Monimvsk, gave consent to Thomas Allansone, his son, compearing before the Archbishop of St. Andrews or his chamberlain, to enter him in his four oxgangs of tenancy of Arnedle and to place and enter Thomas on the Archbishop's rental ; reserving, however, to James A. the profits of the tenancy during his life. Done within the cemetery of Monimvsk 8th December 1533. Witnesses, Sir John Carleil, vicar of Glenbuchat, Sir John Red and Alexander Covtis. 40 *b.*

1533-1534.

114. Instrument narrating that Alexander Leslie of Petcapil compeared personally holding in his hands letters of sasine of the lands of the barony of Petcapil, with mills, and four merks of annual rent of the lands of Creychmont, and right of patronage of the Chaplainry of Pitcapil, by James Styvart, Earl of Moray, sheriff of Aberdeen, conform to a precept directed to him from Chancery, sealed with his seal, to John Bissait, officer named, from whom Alexander L. required sasine. The letters being read by the notary the bailie passed to the lands and gave possession 19th January 1533. Witnesses, James Leslie in Rosevait, William Manro, John Davidsone, Henries Meyrnes, Alexander Valentyne and Alexander Cuyk. 41 *a.*

115. Instrument narrating that Andrew Cobane, residing in the parish of Faterneir, passed to the personal presence of Thomas C. his brother german, asking him if he had forestalled Andrew at the hands of the chamberlain of the bishop of Aberdeen by craving and desiring Croft-cry in tack, after the contract between Andrew and Thomas dated 18th December 1533 (No. 112), by reason of which he ought to pay 10 merks Scots. Thomas acknowledged he had prevened (*prevenisse*) Andrew in the lease of said croft and had taken it in tack from the chamberlain at Aberdeen, delivering to him a certain sum of money. Andrew then asserted that he himself was free and discharged from payment of 10 merks, and from all other contents of the contract. Moreover on 8th February (*sic*) Andrew passed to the presence of Thomas and craved from him the sum of 10 merks in terms of his obligation and acknowledgment, and protested for remedy of law. Done at the parish church of Feterneir 2nd February 1533. Witnesses, Patrick Cristisone, officer, John Duncan, Robert Bissait and David Mersentoun. 41 *a.*

116. Instrument narrating that Archibald Douglas of Glenbarvy appeared personally in his court of Kemna, held at Brwymehillok, within the barony of Kemnai, by George Auchlek, bailie for the time, and in presence of the judge, required James Leslie in Rosevat, as tenant of Roucharrel, to answer to him as lord of the same as do other tenants of said barony, because James L. was warned by a precept from said Archibald to compear that day and place. Leslie offered himself ready to serve the Laird but asserted that he had not compeared in court to answer to him for the tenancy of Rocharrell, because he holds the tenancy of Roquharrel in tack, leased to him by Sir James Creychtoun, knight, for which reason he would not answer to the Laird of Glenbarvy nor ought he to do so as he asserted; and because James L. would not answer nor subject himself to the jurisdiction of the court, the bailie imposed upon him a fine, so far as was in his power. 25th February 1533. Witnesses, William Forbes of Corsindave, Patrick Forbes in Milton, William Leslie in Creche, laic, Sirs James Auchlek and Gilbert Robertsone, chaplains. 41 *b.*

117. Instrument narrating that in presence of the notary there personally appeared Andrew Jak in the town of Innerovry, who, for reasonable causes, gave up all right, claim and property which he has or may have in and to the lands of Castelzard, lying at Castelhil of Innerovry, to William Stywart of Porterstoun, his heirs and assignees, and to remain with them as Andrew held the lands, without hindrance. Moreover, William S. leased and rented to Andrew the said lands from five years to five years during Andrew's life for which he shall pay yearly 10s. Scots, with "averages" and carriages, particularly nine days with one horse and servant at the dwelling places of William S., his heirs, etc.; for which William promised to relieve Andrew of carriages, etc. to Margaret Forbes, William's mother. He shall also relieve Andrew of

the sum of 8s. yearly at the hands of the friars preachers of Aberdeen for annual rent from the lands; provided that if Stewart shall intromit with the lands he shall relieve Andrew at the hands of said friars of 3s. yearly of the principal sum of 8s. during Andrew's life. Done at Fathirneir 8th March 1533. Witnesses, Sir John Red, chaplain, William Reche, John Jak, David Cristisone and Henry Haye. 42 *a.*

118. Instrument narrating that Sir Gilbert Robertsone, chaplain, on the one part, and John Gareaucht, on the other, agreed upon oath to abide by the award of Duncan Fola and Patrick Melving, chosen by Sir Gilbert, John Moir and William Fovlar, chosen by Gareaucht, with Patrick Forbes in Miltone of Kemna as oversman, concerning (1) the service of the cure of Kemnai alleged made by Sir Gilbert from All Saints to the Purification of the Virgin 1532; (2) for Sir Gilbert's service as parish clerk of said parish from 3rd May last to this date; (3) concerning the intromission which Gareaucht alleged was made by Sir Gilbert with certain glebe lands, viz. on the manse toft and croft of Kemnai; and (4) as to general questions between the parties; the arbiters and parties to meet at the parish church of Kemnai on Passion Sunday next to give sentence, etc., with power of continuation, but the final award to be given between this and 3rd May next; the parties renounced all other judges spiritual or temporal pending said decree. Afterwards the arbiters on March 30th at request of parties by their great oaths took the decree upon them. Done at the parish church of Kemnai 17th March 1533. Witnesses, Patrick Forbes in Miltone, John Troup. 42 *b.*

1534.

119. Instrument narrating that Alexander Gordoun of Brechaucht passed to the personal presence of James Forbes of Auchintowil and warned him to remove from the lands and tenancy of Blairdaff at Whitsunday next, under pain of law. Because Alexander asserted he was assignee of the late Patrick Gordoun of Methlik to the lands and therefore warned said James and all other dwellers on the lands in general to remove and to leave the lands to him at Whitsunday; and if they did in the contrary he protests for remedy of law. Done in the hall of said James in the town of Blairdaf 28th March 1534. Witnesses, James Gray, Henry Farchar, Henry Curre and John Reche. 43 *a.*

120. The same day James Forbes of Auchintovil warned Alexander Gordoun of Brachaucht to remove from the lands of Auchorsk at Whitsunday in terms of an obligation of the late Patrick Gordoun, father of Alexander, made to James F. And he also required Alexander to make and deliver to him a tack of the lands of the mill of Auquhorti, lying within the barony of Leslie. Alexander offered himself ready, and also to fulfil his father's obligation. At Blairdaf. Witnesses as in the preceding minute. 43 *b.*

121. The same day Alexander Gordoun of B. alleged and acknowledged that a certain piece of land, lying on the west side of the burn of Auchquhorti, belonged in heritage to Alexander himself, not however agreeing upon the boundaries of the land; but generally Alexander acknowledged a piece of land lying as above. James Forbes of Auchintovil asked instruments. At Blairdaf. Witnesses, James Gray, Henry Farchar and John Reche. 44 *a.*

122. Instrument narrating that David Farlie, prior of the monastery of Monimvsk, personally compeared in judgment in the consistorial place Aberdeen, holding a paper writ which he presented to the Commissary General of Aberdeen sitting as judge, to the effect that the said prior David, with consent of John Akinheid, usufructuar of the monastery,

annuls and quashes all charters, precepts, instruments, long tacks and all writs made by "Dene Alexander Spens, Dene Richart Straquhyne," late priors and all other priors before and since, and subscriptions of Canons, made to Duncane Davidsone *alias* Thomsone, and to Thomas Davidsone, his son, or any other person, of the lands of Ester Loquhel and Wester Fovlis with mill, excepting an obligation by the said John Akinheid to Thomas Davidsone, late of Auchinhamperis, of date 8th July 1522; and the prior annuls all "piyntis and vordis" in that obligation which may do prejudice or hurt to him and the patrimony of the Place of Monimvsk. After the reading of the writ, the prior, with consent of the usufructuar and convent, as he asserted, revoked the matters contained in the writ, and craved instrument. Done in the place of Consistory, Aberdeen, 13th April 1534. Witnesses, Master John Gallovay, Commissary for the time, Masters David Makkisone, Thomas Annan, William Elphinstoun, John Hovesoun and Alexander Vricht, notaries. 44 *a.*

123. Instrument narrating that Archibald Douglas of Glenbervy appeared personally in his court held at Kemna by Patrick Forbes in Miltone, and passed to the personal presence of William Jhonsone, warned to exhibit charters, evidents and possession of annual rents and lands of Innerovry of six shillings, to Douglas as his superior. William demanded a procurator and "forespeaker" to answer for him according to law; which demand the bailie allowed, and William chose John Anderson as his procurator. Douglas renewed his request, when William, by his procurator, publicly acknowledged that all his charters and evidents of the said annual rent were burned and altogether destroyed, and he had none. Douglas craved instrument 27th April 1534. Witnesses, the foresaid bailie (the said Patrick Forbes), Sirs James Auchlek, Gilbert Robertson, chaplains, James Leslie in Rosevat, John Bissait and Patrick Melving. 44 *b.*

124. Instrument narrating that Archibald Douglas of Glenbervy passed to his manor of Kemna, in the sheriffdom of Aberdeen, accompanied by witnesses, with the intention of making an inventory of all the goods in said manor, and there were found, described and noted by said Archibald, the notary and witnesses, first, in the hall a board in fashion of a table, in one chamber two beds and one other small table, the forepart of a bed with one old door lying in said chamber and in the buttery a "gantreis." No other goods were found in the manor except the fore-doors but without locks and keys. Done at said manor 12th June 1534. Witnesses, the laird of Arbuthnot, James Leslie in Rosevat, Patrick Forbes in Miltone, John Bissait, John Gareaucht. 45 *a.*

125. Instrument narrating that John Duncanson asserting himself to be tenant of four oxgangs of the manor of Fatirneir and of two crofts called "Crag" and "Kill," in the lordship of Fatirneir, as appears by the rental of William, bishop of Aberdeen, as he declared, compeared before Patrick Cristison, officer of the bishop of his lordship of Fatirneir, having power to reserve rents, etc., and enquired of the officer if he were fully paid of the rents, etc. of said tenancy. The officer acknowledged on behalf of the bishop and his chamberlain, that he was fully paid from that tenancy as other tenants in that lordship have paid. At Fathirneir 16th June 1534. Witnesses, Henry Curre, David Cristison and Andrew Coban. 45 *b.*

126. Instrument narrating that George Tailzeour, residing at Quhitcorse, on the one part, and Andrew Chavmer, on the other part, agreed upon oath to abide by the decree of Thomas Meynus, John Gareaucht, William Toucht and John Vrycht with Sir John Cristisone, oversman, concerning

Andrew's crave from said George of the grain of two oxgangs which he had grown upon his tenancy of Quhitcors and of certain sheep and other matters debateable betwixt them ; the parties renounced all judges except the arbiters, who, having heard the propositions, answers, etc., gave sentence that for all disputes and claims of grain, sheep, utensils, etc., George T. shall pay to Andrew Chavmer 10s. between this and Whitsunday in two payments ; for which sum Andrew shall quitclaim George of all claims and debts to date. Done at the palace of Fathirneir 5th July 1534. Witnesses, John Patricii, Patrick Blak. 45 *b.*

127. Instrument narrating that Mr. Henry Forsycht, prebendary of Monimvsk, passed to the personal presence of Mr. Robert Elphinstoun, treasurer of Aberdeen, who openly and publicly acknowledged and truly recognised that he had received from Mr. Henry sixty-two crowns of the sum of good gold and just weight ; which sum he declared he had delivered to John Meldrum, burgess of Deip, on behalf of and by order of Mr. Henry to send to Rome to Mr. John Duncanson, Precentor of Glasgow, residing in the Roman Court ; and in token of delivery Mr. Robert gave to Mr. Henry an acquittance by Meldrum dated 20th September 1532 and he discharged Mr. Robert of said sum. Also Andrew Durty, burgess of Aberdeen, acknowledged that he had received from Mr. Henry 100 crowns which he had delivered to John Meldrum, whose receipts of date September, 15th September and 25th January 1532, 30th July 1533, and 26th April instant, each for 20 crowns, he gave to Mr. Henry. In like manner, William Rolland, burgess of Aberdeen, gave to Mr. Henry an acquittance by John Meldrum for 10 crowns, of date 25th September 1532. Lastly Mr. Henry asserted that Gilbert Menzes, burgess of Aberdeen, had, in his name delivered to John Meldrum the sum of 34 francs ("*francorum*") to send to Rome as above, for which he had John's receipt of date 13th February 1532. Done at Aberdeen 2nd September 1534. Witnesses, Sir John Read, John Stanhous and John Gourlay, chaplains, and John Forsycht, layman. 46 *b.*

128. Instrument narrating that James Forbes, apparent heir of William Forbes of Corsindave, consented and consents to a tack made by his father to Thomas Nore of the lands or holding of Tornoglois, and he ratifies and approves the tack so that Thomas shall enjoy the lands during the will of his father only. Done at Monimvsk within the chamber of the rector or vicar thereof 5th October 1534. Witnesses, Masters and Sirs John Gordoun of Covclarache, chaplain, John Gillespy, vicar of Aufurd, John Red, curate of Monimusk, chaplains, Robert Marsar, William Zung and William Russall. 47 *a.*

129. The same day personally compeared William Gordoun of Auchindoir, procurator for Jonet Gordoun, herself present, and protested that the consent of James Forbes to the tack made by William F. to Thomas Nore should not prejudice the said Jonet, daughter of William Gordoun, as to her right of the lands of Tornoglois, because she did not consent to the tack. At Monimvsk as above. Witnesses as in the preceding minute (Master John Gordon, Sirs John Gillespy, John Reid, chaplains, Robert Mersar, William Zung and William Russall). 47 *a.*

130. The same day William Gordoun acknowledged that he had received from William Forbes of Corsindave a charter of confirmation by James, Archbishop of St. Andrews, and his Chapter to James F., heir apparent of William F., and to Jonet Gordoun, his spouse, of the lands of the west half of Cornabo, and the lands of Tornaglois and Pettis ; which Charter with precept William G., his heirs, etc., promised to deliver to William F. when required, for amendment of the same to be made by William F. to James F. and his spouse of the lands, and specially alteration of these words (the said lands to James F. and Jonet G., his spouse, and the longer liver of them and the heirs betweem them born and to be born

whomsoever, whom failing to the heirs of James whomsoever), and William F. asserted that in the evidents it should be said (the foresaid lands to James and Jonet, the longer liver of them and the heirs male born or to be born). William Gordoun promised delivery of the writ under a penalty of £500 Scots, for which evident so obtained William F. promised to deliver others conform thereto, except in the words to be amended, in terms of a contract between him and William G. At Monimvsk as above. Witnesses, Master John Gordon, Sirs John Gillespy, vicar of Aufurd, and John Red, chaplains, Robert Marsar and William Zung. 47 *a.*

131. The same day James Forbes, son and apparent heir of William Forbes of Corsindave, with Jonet Gordoun, his spouse, appeared upon the lands underwritten, holding in their hands letters of sasine by James, Archbishop of St. Andrews, and his chapter, which they exhibited to David Farchar, bailie, and requested sasine of the west half of Cornabo, the lands of Tornaglos, also of the lands of the "rig" of Pettis on the west, between the lands of Duncan Thomson on the east and of Thomas Patersone on the west; and of the lands of a half "rig" of Pettis and one whole tenement called "Scolacht landis" lying between the lands of the rector of Monimvsk on the west and the lands of John Forbes on the one side and the other; also the lands of the three rigs of Pettis, of which two are betwixt the lands of said town on the east and the lands of John Forbes in Tullo on the west, and of the lands of the third "rig" lying between the lands of the prior of Monimusk on the east and the lands of Thomas Davidson on the west; and of all the lands called the "mid-third." The bailie, after the letters were read by the notary, passed to the various lands and gave possession. Done on the lands in the lordship of Monimusk 5th October 1534. Witnesses, Master John Gordon, chaplain, of Coyclarache, Patrick Forbes, heir apparent of David Forbes of Kinkel, Patrick Gordon, heir apparent of William Gordon of Auchindoir, and Alexander Robertsone. 47 *b.*

132. Instrument narrating that David Farchar, bailie in that part for the time of delivery of sasine to James Forbes and Jonet Gordoun of the above lands, protests that the absence of the cattle ("*animalium*") of Thomas Nore, tenant of Tornoglois, at the time of sasine should not prejudice his right in future, because the beasts could not conveniently be had or laid hold of to choose an ox at the time of sasine, according to law and custom of Scotland. Done at Tornoglois 4th (but possibly 5th) October 1534. Witnesses, Master John Gordon, chaplain, Patrick Forbes, Patrick Gordoun, Alexander Robertsone. 48 *b.*

133. Instrument narrating that Andrew Reche, on the one part, and Elizabeth Reche, his daughter, on the other part, willing, as they assert, to cut off the windings of the law (*litium unfractis amputare*) and to agree upon the questions betwixt them regarding Andrew's requiring from Elizabeth certain beasts or other goods moveable and immoveable, utensils and domiciles intromitted with by her after the decease of Andrew's wife; also concerning a claim of expenses and payment of the debts of Andrew's wife paid by Elizabeth as she asserted, and other matters debateable between parties; for that and other reasons they agreed to submit to the following as arbiters, viz.: Sir David Reche, vicar of Mydmair, and Patrick Cristisoun on the part of Elizabeth, William Cristisone and William Reche, son of Andrew, on behalf of Andrew, with Sir Andrew Skeocht as oversman. They were to meet at the parish church of Fathirneir 16th November instant or the 28th, with continuation of days, and their award was to be given between this and Christmas; the parties bound themselves to adhere to the award, and renounced all exceptions and other courts. Done at Fathirneir 2nd November 1534. Witnesses, Sir Andrew Skeocht, notary, John Ingrame and John Jameson. 48 *a.*

134. Instrument narrating that Elizabeth Reche passed to the personal presence of her father, Andrew Reche, and required him to compear with his arbiters named in the above submission, and she offered to compear, day and places named, with her arbiters Sir David Reche and Patrick Cristisone, and to fulfil the said agreement; protesting that the absence of the arbiters chosen by Andrew should not prejudice her right. At the manor of Fatirneir 16th November 1534. Witnesses, Sir David Reche, vicar of Mydmair, John Reid, vicar of Monimusk, and Thomas Morgund, servitor to the said Sir David Reche. 49 *b.*

135. Instrument narrating that Duncan Davidsone of Auchinhamperis personally compeared before Sir David Farle, prior of the monastery of Monimvsk, and Sir John Akynheid, usufructuar of the same, and of his own will gave up all right and claim, or property he had or could have as to intromission with the lands of Vester Foulis, with mill of the same, and Ester Loquhell, to the said prior and usufructuar, except only the rights and claims held by the said Duncan by certain evidents made by Sir Alexander Spens, formerly prior of said monastery, to the late Duncan Davidsone and his heirs male; also saving the rights and claims held by said Duncan made by the above prior and usufructuar to him and to the late Thomas Davidsone and his heirs of said lands. And also the said Duncan, upon his great oath, obliged himself never to come in the contrary. All charters and evidents to be of no force except those granted by Sir Alexander Spens, Sir David Farlie and Sir John Akynheid. Lastly he obliged himself to exhibit his charters, evidents, etc., to the prior and usufructuar within 15 days after requisition. Done within the cemetery of said monastery 10th November 1534. Witnesses, William Hurre of Petfeche, David Duncansone in Bawblayr, Patrick Cromme and Patrick Cristisone. 49 *b.*

136. The same day the said Duncan Davidsoun of Auchinhamperis protests that although he quashed, annulled and upgave to Sir David Farlie, prior, and John, usufructuar of Monimvsk, all evidents, etc. of the lands of Vester Foulis with mill, and Ester Loquhell, except only the evidents and writs made (1) by the late Sir Alexander Spens, formerly prior of Monimusk, and the said Sir David and Sir John, to the late Duncan Davidsone, and (2) by the late Sir Alexander Spens to the late Duncan Thomsone and his heirs male, the said evidents and writings shall remain safe and uninjured, and the said renunciation shall not prejudice the said Duncan in future. Done in the nave of the church of the Monastery of Monimvsk as above. Witnesses, Sir James Hunter, curate of Loquhell, Alexander Davidson in Ester Loquhel, David Duncansone and Alexander Davidsone. 50 *a.*

137. Instrument narrating that Alexander Mavmvir exonered and quitclaimed James Forbes, apparent heir of William Forbes of Corsindave, of all tacks held and obtained by him from James of eight oxgangs of the lands of Tullo at any time past. He also gives up to said James all right, claim and action in and to the lands. Provided, however, that James F. shall cause Alexander to have payment of all corns eaten by himself and his tenants of Tullo in his 8 oxgang, all which James promised to fulfil. Done within the parish church of Monimvsk 21st November 1534. Witnesses, Sir John Reid, chaplain, Gilbert Jhonston, William Farchar, William Cuk and David Anderson 50 *b.*

138. Instrument narrating that William Forbes of Corsindave, of his own free will and for certain reasons, constituted and appointed William Styvart of Porterstoun his assignee in and to a tack of the lands of the town of Auchinclocht, lying in the parish of Skeyne; which tack he has of (William, Earl of) Marischal lord Keyth, made to William F. his heirs and assignees, for the space of 13 years immediately following Whitsunday 1537 (*sic*) under the seals of the Earl and of Beatrice Douglas,

his principal curator; and also in and to all right and claim he has or can have to said tack, of date 3rd November 1534, or to the lands of Auchinclocht during the space of 13 years foresaid; the said William S. paying and fulfilling all rents and others in said tack to the Earl, his heirs, etc., as William F. or his heirs, etc. are bound during said term. Done within the cemetery of the parish church of Monimvsk 12th December 1534. Witnesses, James Forbes, heir apparent of the said William Forbes, Robert Marsar and William Russall. 50 *b.*

139. Instrument narrating that Sir John Reid passed to the parish church of Monimvsk with letters of William, bishop of Aberdeen, under his round seal, and subscribed by Mr. William Hay, notary public, containing a form of collation and provision of a vicarage pensionary of £10 Scots yearly to be uplifted from the fruits and profits of the said vicarage of Monimvsk with manse, toft and croft of the same for the whole time of Sir John's life; and these letters he exhibited and caused them to be read by the notary. After which he required Sir Andrew Skeocht, presbyter, to execute the same, who then inducted Sir John Reid in possession of the said vicarage pensionary of £10 of Monimvsk with manse, toft and croft; no one opposing and in the name of God the presbyter invested him according to said letters by delivery of the key of the foredoor of the church and entry thereof, the said door or gate to be closed and opened, the horn of the great altar, chalice, massbook, vestments and priestly ornaments, with wine and water, and the baptismal fonts and the cords of the bells and hand bells, and entry of the houses of the manse, toft and croft, with other solemnities usual in like cases. Moreover, Sir Andrew Skeocht charged and commanded some parishioners present, by authority of the bishop, that they should obey Sir John Reid as true vicar pensioner of said church, and should answer him for the sum of £10 to be paid as above. Done within said church 24th December 1534. Witnesses, John, usufructuar of Monimvsk, David Farchar. 51 *b.*

1534-1535.

140. Instrument narrating that William Foulair, residing in Drumnacht, and William Couper in Sauchyne agreed, upon their great and solemn oath, to abide by the award of Sir Thomas Mvkkart, chaplain, Sir John Cristisoun, notary, Duncan Fola, John Rure, with Patrick Forbes, oversman, for avoiding controversy regarding the crave of Couper from Foulair of the sum of 33 merks owing to him in dowry with the daughter of Foulair; and also as to the request of Foulair for a piece of woollen, two ells of cloth of black colour, bequeathed to his wife by his said daughter, late wife of Couper, in her last will, and for a certain small box also bequeathed, as he asserted, to a son of Foulair; the arbiters, sworn and accepting, to meet at the parish church of Kemna 25th January, with continuation of days, and to give their award between this and Passion Sunday next to come; the parties promising, upon the gospels touched, held in the hands of the notary, to ratify the decree of the arbiters. Done at Kemna 3rd January 1534. Witnesses, Sir Andrew Skeocht, notary, John Mar, Andrew Melving. 52 *a.*

141. Instrument narrating that John Reid in Bawgovne, asserting that he was tenant of four oxgangs of the said town of Bawgovne within the lordship and parish of Keig, gave up all right and claim he had to the same, to John Reid, his son, divesting himself of said tenancy; and also gave consent to his son compearing before James, archbishop of St. Andrews, or his chamberlain, with power to crave and obtain admission to the tenancy and to enter and agree with the archbishop, and for placing his son's name upon the archbishop's rental and deleting his own as principal tenant and to possess the land as he possessed it. Providing that if

the younger John did not obtain the consent of the reverend father, the said tenancy should remain safe and uninjured with the elder John. The younger Reid craved instrument. Done within the cemetery of the parish church of Leslie 15th January 1534. Witnesses, Master Duncan Oudny, vicar of Kynauchmont, Sirs Alexander Lang and William Cristisone, curate of Lesle, chaplains, and William Duf, layman. 53 *a.*

142. Instrument narrating that John Govlis, curate of Colsalmont, personally compeared in presence of Mr. Duncan Oudny (vicar of Kynauchmont), dean of Christianity of Gareaucht, having power to receive accusations of excess within the deanery, and also in presence of the greater part of the parishioners of Colsalmont gathered to divine service, when Mr. John asserted that a certain paper written in name and behalf of all the parishioners, containing some faults and complaints against himself as curate, had been presented to the dean. He called the said parishioners together, and grievously besought and humbly required them, that putting aside all favour and rancour for the sake of charity and the love of God, as they would answer to God at the day of judgment, if they knew him guilty of any notorious crime against God and his parishioners and if they or any of them took part in making said writ, they would confess and make it known. All were silent except only Malcolm Cruschank, Robert Eldair and Allan Cristisone, who said they had some complaint against him, particularly as to his intromission with a tenancy called Litil Wranghayme. Then Mr. John offered himself ready to abide the correction of said dean in the person of William, bishop of Aberdeen, regarding the amendment of whatever faults, if any were, he had openly confessed. Done within the church of Culsalmont at the high altar 23rd January 1534. Witnesses, Master Thomas Clark, vicar of Rayne, Master John Broune, Master William Anderson and Sir William Pendrecht. 53 *a.*

143. The same day Mr. John Govlis, curate of Colsalmont, on one part, and Malcolm Cruschank, Robert Eldair and Allan Cristisone, dwellers in the parish of Colsalmont, on the other part,—to avoid litigation and controversy regarding a crave of Robert Eldair to be righted of a tenancy of Litil Wranghayme intromitted with by the said Mr. John; also the latter's petition to be repaid the cost incurred by him at the city of Aberdeen because he was cited and without any cause publicly proclaimed at the market cross of Aberdeen by royal letters obtained by Eldair, and for finding cautioners to answer at law for certain causes expressed in the letters,—agreed upon Mr. John Forbes, portioner of Barnis, William Elphinstoun of Glak, Mr. Thomas Clark, vicar of Rayne, Mr. John Brown, vicar of Alnay, with Mr. Robert Elphinstoun, treasurer of Aberdeen, as oversman, or in the absence of Mr. John Forbes upon George Leslie of Nyw Leslie or Robert Allirdes of Baddynschocht, and if the said Thomas (Clark) do not compear, upon Mr. Duncan Oudny, dean of Gareaucht, giving them full power of giving sentence in all pleas between the parties, beginning and meeting at the parish church of Colsalmont 24th January instant; decree to be given between this and Passion Sunday next. Mr. John Browne and Mr. Thomas Clark, presbyters, and William Elphinstoun accepted and took oath. At said church. Witnesses, Masters Andrew Leslie, William Pendrecht, William Andersone, chaplains, and Malcolm Layng. 53 *b.*

144. Instrument narrating that Sir Allan Galt, canon regular of the monastery of Monimvsk, compearing personally, delivered to the notary a paper writ to be read, copied and reduced in public instrumental form as follows. Referring to the benefit of the right of appeal to remedy oppression he declares his intention of appealing; he therefore states to the notary as a public person that he feels and considers himself in time past grievously injured and hurt by David Fairlie, prior of said

monastery, and that the prior, contrary to law and the rule of their religion, maliciously charged against him unknown crimes as he intends to prove; and also he offers to abide by the commands of the Chapter in whatever crimes are alleged against him, according to the rule of their religion, and if convicted he submits to correction as is fitting. If it happens that prior David cruelly proceeds against him for crimes not known by the Chapter, he appeals from whatever grievances and injuries done to him, from each of them and from every future grievance, to his dispensation from the apostolic see granted to him, under the tenor of which, licence was asked though not obtained, as appears by the same; therefore he, on his bended knees, craves and demands licence from the prior, to whom he will produce the dispensation if need be. Therefore that whatever may be done by the prior against him may not prejudice him and the dispensation, but that it shall remain safe and uninjured; he calls upon the notary and the bystanders to be witnesses upon which he asked instrument. Done in the nave of the church of said monastery 6th February 1534. Witnesses, Sirs John Reid, vicar of Monimusk, Andrew Skeocht, notary, William Hurre of Petfeche, John Macke, and John Baxter. 54 *b.*

145. The same day the said Allan Galt, personally appearing before Sir David Farlie, prior of Monimvsk, called together his brethren ("*confratres*") canons of that monastery, and grievously besought them and humbly requested that, putting aside both favour and rancour, for the sake of charity and the love of God, of true conscience as they would answer to God in the day of judgment, they would confess and declare before the prior and all those standing round, if they knew him guilty of any crime or fault against God and religion; who all with one voice purged him and affirmed him innocent of all notorious crime, but a good religious, of good morals, full of virtues and devoted to divine worship. He asked instrument. Done as above. Witnesses as in the preceding minute. 55 *a.*

146. The same day Sir David Fairlie, prior of the monastery of Monimvsk, appeared personally, having heard and seen the publications and appeals of Sir Allan Galt, canon regular of the monastery, appealing from the prior to the supreme pontiff as to his correction of Sir Allan for certain faults committed by him, said that Allan ought not to appeal from his prior's correction, but ought to submit himself thereto according to the rule of his religion as by law he is bound to do. The prior declared that Sir Allan was frequently admonished and warned by him to perform certain penances enjoined upon him for the measure of his offence, yet Sir Allan was as yet unwilling to perform the penances but pertinaciously and openly despised them to the great loss and scandal of religion; wherefore lest his crimes remain unpunished and willing, as he asserted, to proceed against him in order of law, the prior delivered a paper writ containing a precept signed by him to Sir William Wilson, canon of the monastery, commanding execution, the tenor being that the prior commanded, "in the virtu of the haly spreit and of obedience," the said William Wilson as subprior of the monastery "that ze pas to Dene Allan Galt, channon of the sayme and command hyme to keip his chalmer in the dormitour and pas nocht furcht of it bot *ad necessaria*, and that he be in continuale seilence with all manner of man except hyme that mackis hyme ministratioun and that he be all this tyme in breid and aill and twa dais in the ovik, viz., Vedinsday and Friday at his discipline and that na bonnet cum one his heid the tyme of his pennance except his nycht bonnet into the tyme that he be fundyne penitent and throuch his patience, humilite and satisfactioun and recompensatione done to God and religioun, and to ws his laudable conuersatioun guid exempil he serue be our jugement to be deliverit or relaxit of the said pennance"; the said precept being dated at Monimvsk

5th February 1534. The prior craved instrument 6th February 1534. Witnesses, Sirs John Reid, Andrew Skeocht, chaplains, William Hurre and John Macky. 55 *a.*

147. The same day the said Prior David, having heard the purgations and depositions of the said canons regular of Monimvsk that Sir Allan was a good religious, of good morals, full of virtues and devoted to divine worship, declared that their depositions happened because of the persuasions of Sir Allan, because though they purged him of their own motions and were not compelled, neither were they called to that by the prior himself, wherefore faith could not be placed in them, but they are to be held as partial and participating in Sir Allan's crime. Done in the nave as above. Witnesses, Sirs John Reid and Andrew Skeocht, chaplains, William Hurre of Petfeche and John Macky. 55 *b.*

148. The same day compeared the said Sir David, prior of the foresaid monastery of Monimusk, after execution made by Sir William Wilson by letters or precept of the said prior, warning Sir Allan Gault to remain in his chamber within the dormitory of the monastery, to keep silence with all men except the servitor attending him and not to wear a cap ("*birrum*") unless his night cap ("*birrum nocturnum*"), protested for remeid of law because the said Sir Allan, after warning made to him by the said Sir William Wilsone, executor of the said letters, as if he were a son of disobedience, entered the church, was present at divine service with his brethren, and, likewise in taking meat and drink at dinner at the ninth hour, was unwilling to obey his commands. Done in the hall of the monastery. Witnesses, Sir John Reid, vicar of Monimvsk, Andrew Skeocht, notary and chaplain, and John Makky. 56 *a.*

1531–1532.

149. Instrument narrating that Marziota Seiton, lady of terce of the lands of Auchintovil, freely acknowledged and willingly recognised that she is and has been content and well pleased because of the amicable exchange between her and James Forbes of Auchintovil, her first born son, of the lands of the third part of the half manor of Auchintovil and the lands of the two parts of the mill of Auquhorty belonging as heritage to the said James, in complete payment and contentation of the third part of the half manor of Auchintovil for her terce during her life; and the said James acknowledged himself content with the said part of the manor in complete contentation of the said two parts of the mill and two parts of the lands of the same of Auquhorsk during Marziota's life. And they said that the contract was made betwixt them in the year 1519 and is to be fulfilled in all points now as then and then as now during Marziota's life. At Kemnay 21st February 1531. Witnesses, James Forbes, heir apparent of William Forbes of Corsindave, William Styvart of Porterstoun and John Forbes. 56 *a.*

1535.

150. Instrument narrating that Jonet Vilsone appeared personally within the territory of the town of Innerovry upon the ground of lands of one rood and a half, lying on the east side of said town between the lands of John Huchown on the south, the lands of John Barcroft on the north, the highway on the west and the common land of Innerovry on the east, and with consent of William Robertson, her husband, she being uncompelled, resigned the said lands in the hands of Walter Banzeocht, one of the bailies of said town, who thereupon passed to the lands and inducted and invested the said William and Jonet and the longest liver of them and their lawful heirs, whom failing the heirs of the said Jonet, in possession of the lands. Done on the lands 7th April 1535. Master William Cabell, rector of Tulinestyne, Walter Jhonston, officer, Antony Makky, John Huchone, John Ronaldson and Alexander Ronaldson. 56 *b.*

151. Instrument narrating that Margaret Burnet, residing in Boquhain, with consent of Alexander Covtis, her husband, of her own free will, set and leased to William Red in Garlogy a tenancy of four oxgates of land of Vester Carne with a half of a croft called the "Ester croft" lying in the sheriffdom of Meyrnis (*sic*) and parish of Skeyne, for the whole space of five years next to come after Whitsunday 1535, the date of his entry; he paying to Margaret 2½ merks yearly with six chickens yearly, and carriages, averages and bondages to be paid to her as by the other tenants of Vester Carne. Margaret obliged herself to warrant the said William in peaceable possession for the five years. Done at the outer gate of the Place of the Friars Carmelite of Aberdeen 22nd April 1535. Witnesses, Sirs John Carleil, vicar of Glenbuchat, Alexander Layng and James Forbes, chaplains, William Covtis and Alan Covtis, and William Leycht, student. 56 *b.*

152. Instrument narrating that James Hill, residing in Finges, compeared personally in a court of William, bishop of Aberdeen, held at Rayne by William Lyoun, bailie, pursued by the Laird of Jhonstoun as to a request by the Laird to James for an ox unjustly intromitted with by him, as he asserted. The said James uttered these words in the vulgar tongue: "I praye God that the ayris of Caskebene neuer prosper for the thinggis ye do to me," speaking of the said Laird of Jhonstoun and Caskebene and his heirs. And he uttered the following words to the vicar of Rayne, "prelocutor" for the Laird: "I pray to God Schir Wicair that ze neuer se the faice of God." To which Mr. Thomas Clark, vicar of Rayne, asserted that he and the said Laird of Jhonstoun had been held and reputed of good fame, praiseworthy life and honest conversation, and therefore James Hill had no reason to utter such words to blacken them in honour and status, a very great injury; and which mental injury he repelled before the notary. He would not, he asserted, sustain such injury for a great quantity of his goods, and he protested that he would prosecute the injury at a fitting time. He then in his own name and on behalf of the Laird of Jhonstoun craved instrument. Done at Rayne publicly in said court 31st May 1535. Witnesses, William Lyoun of Colmalegy, Patrick Gordoun in Auchmanzye, William Gordoun in Knoccaspak, Sir Alexander Cristison, chaplain, William Fola and Alexander Andrew. 57 *a.*

153. The same day William Lyoun of Colmalegy, sitting as judge in a court of William, bishop of Aberdeen, warned and commanded James Hill in Finges to cease from much talking and from words injurious to any one unless he speaks them in court and according to law, under pain of a fine: He refused to do so, and after this inhibition, uttered many noisy words, disturbing the court, the order of law not being observed; for which reason the bailie condemned James in a fine of said court and protested for remedy of law at a fitting time. The bailie craved instrument. Done as above. Witnesses as in preceding minute. 57 *b.*

154. The same day John Elmislie, with his wife, were pursued by Ellen Catnes concerning her allegation that John and his wife and children had drawn her blood, that they had injured her and she is troubled by them. The bailie chose a temporal assize for cognoscing the cause to the number of 13 persons. After a time the reasons and allegations of the parties being heard by the assize, and those who were interested compeared before the bailie as judge; the assize acquitted the said John, his wife and children of the crimes alleged, and declared them innocent of the effusion of Ellen's blood and of the other injuries set forth. Done at Rayne as above. Witnesses, the said bailie (William Lyoun), Sir Alexander Cristisone, chaplain, William Fola, Alexander Duncansone and Patrick Andersone, clerk depute of Rayne. 57 *b.*

155. Instrument narrating that William Forbes of Corsindave, after a reference to the effect which severe sickness of body has upon the mind, and because he knows not God's will, lest he should die intestate, knowing that the soul is more precious than the body, he made up and ordered his testament in this manner,—First, he commended his soul to the most High Creator and to the Blessed Virgin and the court of heaven, his body to be buried in the choir of the Virgin Mary of the parish church of Monimvsk, and he appointed Sir John Akynheid, usufructuar of Monimvsk, James Forbes, his heir apparent, Duncan Forbes, his son, Margaret Lummisdane, his spouse, and Sir John Carleil, vicar of Glenbuchat, as his lawful executors testamentary that they may dispose for his soul and concerning the distribution of his goods, with advice however of John Gillespy, vicar of Aufurd, and John Cristisone, vicar of Kemnay, and not otherwise nor in any other manner than by their counsel, as they shall answer in the day of judgment to the supreme judge. Done at Corsindave in the chamber within the chapel of the same 2nd June 1535. Witnesses, Patrick Orum of Carndave, Arthur Forbes, Gilbert Jhonston and Henry Reid. 58 *a.*

156. Instrument narrating that John Andersone *alias* Snak and William Robertsone, indwellers of Innerovry, summoned by Patrick Roucht, forester of the wood of Park, for the disbarking of the wood of the plantation belonging to the Earl of Huntlie,—of their own free will promised and obliged themselves, their heirs, executors and assignees to compear in the court of the said lord of Huntlie next to be held at the Gra Stane of Clune after warning made to them by said Patrick or any of his servants; and to submit to the judgment of the court of the Earl of Huntlie or his bailies as to the barking of the wood; and if they shall fraudfully absent themselves after being warned, they bind themselves, etc., to pay to said Patrick £20 Scots within 20 days after the holding of the court. Done at Skibberte 9th June 1535. Witnesses, Sir Henry Quhitvellis, chaplain, Gilbert Toucht, James Brintschav and Gilbert Patre. 58 *b.*

157. Instrument narrating that Sirs William Wilsone, Andrew Masone, Patrick Andersone and James Murray, canons regular of the monastery of Monimvsk of the order of St. Augustine, of Aberdeen diocese, compeared personally, and unanimously handed a paper writ to the notary to be read, etc., to the effect that they, the said canons availing themselves of the privilege of appeal, feeling that they are grievously injured and oppressed and fearing worse in the future from Sir David Farlie, prior of said monastery. First, because the prior had decerned and published admonitory letters against them, admonishing them on 13th June of the instant year to cease from sacred things and from celebrating divine service to which they were bound and whence they derived food and clothing and other necessaries; whereas they as obedient sons offered to satisfy his will and commands, and to cease from celebration of divine ordinances justly or unjustly, saving their consciences, if he would minister necessaries to them by himself or another as he is bound to do. He had proceeded unjustly against them because they had no other art nor means whence they could seek necessaries. Second, because in the past year on 3rd November, with the favour and consent of the prior, they ceased from divine ordinances, whence arose no small loss not only in money but even in reputation; also they had fallen under and incurred the odium and anger of William, bishop of Aberdeen, their ordinary, and of Sir John Akinheid, usufructuar of the said monastery, and of many others. Third, because the prior unjustly alleged in his letters the very great disgrace to them and the monastery; and they incurred irregularity for participation with Sir Allan Gault as excommunicated and charged and recharged by the prior's process: when therefore the procese was presented in the synod

of Aberdeen and there not pleaded, and after the presentation, the same Sir Allan was present in the cathedral church of Aberdeen at divine service with the prior and was not shut out or expelled as befitted an excommunicated person. Fourth, although they had no interest in Sir Allan Galt nor had they assisted, favoured or given him counsel in anything, the prior had rebuked them whence they were unable to serve God with a quiet and charitable mind as dedicated to God and professed to religion, but he compelled them to attend to secular, outside and vexatious affairs, to the no small scandal of all religion and chiefly of their monastery; with other reasons to be proposed before a judge by them at due place and time: Protesting that it was not their intention, by word, deed or work to appeal from the prior because of favour had towards Allan Gault or for favour or dislike of any other, but only lest their monastery should suffer any loss or injury in goods. Therefore, on account of the foresaid grievances, and others perhaps more grievous to be inflicted in future, they appeal from the prior and all his power, jurisdiction and privilege, and all sentences and penalties, to William, bishop of Aberdeen, and to his holiness Pope Paul Third, and the Holy See alternatively, and they request letters of appeal, which if the prior denied them, they again appeal as before, subjecting themselves, the monastery and convent, all their goods, their churches, parishioners, servants and familiars, clerical and lay, adhering or willing to adhere to them in this behalf, to the charge, protection and defence of the Pope and the Apostolic See: Protesting also for power to alter, add to or amend their appeal, when necessary, which appeal they and each of them intend to pursue. Upon which the canons and each of them craved instrument. Done within the hall or refectory of said monastery 22nd June 1535. Witnesses, Master David Scot, vicar perpetual of Colsalmont, Sirs John Reid, vicar of Monimvsk, Andrew Skeocht, notary and chaplain, Thomas Patersone, Andrew Watsone, carpenter, and David Rauf, laic. 58 *b.*

158. Instrument narrating that Henry Curre in Blairdaf, knowing that nothing is more certain than death, was willing to make disposition of his goods lest discord may arise between relations or children and lest he should die intestate: First, he commended his soul to the most High Creator and chose his sepulture in the parish church of St. Ninian of Fatirneir. He bequeathed to Sir Henry Quhitwellis to pray for his soul 2s. To the curate of Logiedurno 2s. likewise. The residue of his goods he left to be equally divided between his wife and two younger children in three portions; and he appointed his elder son and his wife to be his executors, with Sir John Cristisone as oversman, that they may dispone for his soul as they would answer in the day of judgment. Done at Blairdaf 1st October 1535. Witnesses, Patrick and Walter Cristison, David Bissait and Sir John Cristison, notary. 60 *a.*

159. Instrument narrating that John Lesle, apparent heir of Boquhane, as procurator for Alexander Ogilvy of Findlater, appeared judicially in a court of the Earl of Huntlie, held at "gra stane" of Clune, where all the tenants or free holders who ought to answer to the Earl as their overlord (were bound) to answer and to do homage and other things which they are of right bound to do to their superior, and John Lesle presented an instrument of sasine (dated 31st August 1524) with a precept of sasine (dated 1st August 1524) of the lands of Tolmad made to the said Alexander Ogilvy, his heirs and assignees, asserting that Alexander O. was the true lord of said lands, holding them from the Earl as superior; and the procurator offered to do to the Earl for the lands what Ogilvy as true lord was bound to do to his overlord. Also Leslie requested the Earl to command and charge his officer of the barony of Clune to arrest all rents and profits and the goods of the tenants and indwellers of the lands for rents, at the instance of Alex-

ander Ogilvy, from the date of the instrument and precept to the present time. The Earl having heard these requests directed Andrew Zuyl, his officer, to arrest accordingly. Done at "gra stane" of Cluny in said court 15th October 1535. Witnesses, William Leslie of Boquhayne, John Leslie of Vardaris, judge for the court, Archibald Douglas of Glenbervy and William Styvart of Porterstoun. 60 *a.*

160. The same day David Ogilvy, in the court of the said Earl of Huntlie, having heard the requests by John Lesle, as procurator for Alexander Ogilvy of Findlater, compeared before the Earl and his bailie sitting as a court and asserted that he, David, was the true lord of the said lands of Tolmad, and he offered to do what he was bound to do to the superior for the lands; protesting that whatever was done by Alexander Ogilvy of Findlater or in his name should not prejudice him, his heirs, etc., as to his right. Witnesses as in preceding minute. 60 *b.*

161. Instrument narrating that Patrick Forbes in Miltone of Kemnay passed to the personal presence of John Andersone, William Wobster and John Jhonsone, dwellers in the territory of Innerovri, saying and alleging that it is meritorious to give faithful testimony to the truth, and required them to be witnesses in the cause of William Styvart of Porterstoun against Sir William Raye, vicar of Kintor, in the tolbooth of Aberdeen, concerning the crave by Stewart from Sir William of one rood and a half of lands lying within the territory of Innerovry on the east side of the town between the lands of John Drumbrek and the Kirk lands on the north and south; and he also alleged that the party pursuing could not have the depositions of the witnesses to the great loss and prejudice of William, as he asserted. Which John, William and John all with one consent acknowledged that they were cited, sworn and examined before the sheriff and the barons for the time, and deponed as follows:—That Sir William Raye has and occupies in possession his one rood and a half, which is held and is of the pertinents of the lands of Castelzard, and in token thereof, the lords of the lands of Castelzard were accustomed to pay to the place of the friars Carmelites for said lands the sum of 8s. yearly in name of annual rent; and the inhabitants of the said lands, alleged as pertinents of the same, and occupied by the said Sir William, were accustomed to pay to the said friars in part payment of the said annual rent the sum of 16d. And this they declared upon oath and acknowledged that they and each of them had deponed. Done at Kemna 9th November 1535. Witnesses, Sir Henry Quhitwellis, chaplain, Andrew Fuff, carpenter, and Patrick Forbes. 61 *a.*

162. Instrument narrating that Mr. William Toucht, chaplain of the chaplainry of Petcasche, in the diocese of Moray, also Alexander Gordoun of Stradoun (Strathavon), undoubted patron of said chaplainry, of their own free wills, obliged themselves, their successors, heirs, executors and assignees, to John Grant of Balnadallauch, his heirs and assignees, that if the charter and precept of sasine of the lands of Petcasche and Fonasche with pertinents belonging to said chaplainry, lying in the parish of Inneravane and lordship of Strathdoun in the sheriffdom of Banff, made and granted to the said John,[1] his heirs, etc., by Mr. William T., with consent of the said Alexander G. and of Alexander, Bishop of Moray, the dean and chapter thereof, are not sufficient to the effect contained in them, to reform, add to, seal and subscribe a charter or charters, precept or precepts to the said John as often as need be according to the advice of skilled persons, until they shall be as sufficient as any charter or precept in Scotland: And this because the said John increased the rental of said chaplainry yearly, and for other reasonable causes concerning the chaplainry and moving their minds to it; John G. and his heirs, etc., paying to Mr. William T. and his successors,

[1] *Cf.* Fraser's *Chiefs of Grant*, vol. iii., pp. 78-80.

chaplains of the chaplainry, the sum of 20 merks Scots yearly. John G. craved instrument. Done at Park of Clune 20th December 1535. Witnesses, Gilbert Toucht, Sir James Forbes, chaplain, Alexander Grant and Thomas Toucht. 61 *b.*

163. The same day Alexander Gordoun of Strathdoun (Strathavon) acknowledged that he had received a charter and precept granted by himself and Mr. William Touch, chaplain of the chaplainry of Petcasche, to John Grant, his heirs and assignees, into his keeping; which evidents he delivered to Jonet Grant, his assignee, giving her power to deliver them to said John when he had satisfied the said Alexander, and that with advice of John Grant of Culcabok and Jonet G. Jonet acknowledged she had delivered to John G. the said evidents and promised to warrant them. Done at Park of Clune. Witnesses, Sir James Forbes, chaplain, Gilbert Toucht, Alexander Grant and Thomas Toucht. 62 *a.*

164. Instrument narrating that John Grant in Balnadallauch, astricted and obliged to pay to Mr. William Toucht, chaplain of the chaplainry of Petcasche, the sum of 20 merks during Mr. William's life, obliged himself, his heirs, etc., to find and deliver to Mr. William, as cautioners, William Forbes of Corsindave, Robert Innes of Invermarky and Walter Innes, his brother german, and to act them or cause them be acted in the consistorial books of Aberdeen or Moray, as Mr. William pleased, and to pay to the latter during life the sum of 20 merks specified in the above evidents. At Park of Clune 20th December 1535. Witnesses, Sir James Forbes, chaplain, Gilbert Toucht, Alexander Grant and Thomas Toucht. 62 *b.*

1535–1536.

165. Instrument narrating that Jonet Grant, lady of the conjunct fee of the lands of Straythdoun (Strathavon), gave her consent to John Grant of Ballindallauch, his heirs, etc., concerning the gift and grant of the lands of Petcasche belonging to the chaplainry of the same, granted by Mr. William Toucht to the said John Grant, with consent of Alexander Gordoun of Straythdoun as patron, in feu-farm; and she, upon her solemn oath, faithfully promised to ratify the gift, and never to come in the contrary; renouncing all her right and claim to the lands, except only to the gift of the chaplainry when it shall be vacant. At Park of Clune 3rd January 1535. Witnesses, John Grant of Colcabok, Alexander Grant, Hector Dunbar and Master John Patersone. 62 *b.*

166. The same day Alexander Gordoun of Strathdoun, patron of the chaplainry of Petcasche, ratified and approved the gift by Mr. William Toucht, chaplain of Petcasche, with the patron's consent, of the lands of Petcasche in feu-farm to John Grant of Ballandallaucht; and consented that his own seal be appended to the charter and precept of sasine of the lands made in feu-farm to Grant, to remain with him and his heirs for ever. Also Alexander G., as tutor for Alexander G., his first-born son, obliged himself, his heirs, to John Grant to amend charter and sasine (as in first instrument, 20th December 1535) and to seal and subscribe as tutor. Done at Park of Clune 3rd January 1535. Witnesses, John Grant of Culcabok, Alexander Grant, Hector Dunbar, laic, and Master John Paterson, chaplain. 63 *a.*

1535.

167. Instrument narrating that Archibald Douglas of Glenbervy personally appeared in the court of the Earl Marischal held at Hall forrest by Alexander Keyth of Auquhorsk, bailie, and as procurator for William Foulair, James Scot and other tenants of Kemna stated and alleged that the officers or foresters of the Earl had charged his tenants of Kemna with having cut and barked certain timber, the said officers not

admitting witnesses in the case because they themselves prosecuted as the pursuers; for which reason the depositions and allegations were held as nothing. At last the bailie and the rector of Fillorcht (Sir John Leith) discharged the tenants of Kemna from the prosecution to be made in the Earl's court, reserving, however, their right of pursuit before the king or his lords of council. Douglas craved instrument. Done at Hall forrest of Kintor 13th November 1535. Witnesses, Laird of Jhonston, Sir John Thomsone, David Styvart and Robert Inglis. 63 *b.*

168. Instrument narrating that William Mortimair of Cragivair and James Forbes of Auchintovil alleged that they had agreed, in a cause arbitral between them, on the one part, and Alexander Gordoun of Brachauch, on the other part, to abide by the decree of William Leslie of Boquhane, Robert Lummisdane of Madlayr, Nicholas Ros of Auchclossyne, James Skeyne of Auquhorsk. on behalf of Mortimer and Forbes, and of John Gordoun of Botare, Patrick Cheyne of Essilmont, James Gordoun of Haldauch, Mr. James Gordoun, rector of Lunmay, and of John Lesle of Vardaris. At last William and James duly required James Skeyne of Auquhorsk, Patrick Skeyne in Carnglas and Mr. William Forbes, burgess of Aberdeen, whom they chose as their arbiters for the division of certain lands in dispute between the lands of Auquhorty and Brachauch in the sheriffdom of Aberdeen and parish of Innerovry, according to an agreement of date 27th September in the instant year; which arbiters accepted upon them the burden of decision and swore to give decree according to their consciences and understandings. Done on the ground of the disputed lands 15th November 1535, the said William and James offering themselves ready to fulfil all things in said agreement. Witnesses, John Bissait in Lauchtsanze, John Patricii, Thomas Merinis, John Cromme, George Mortimar and Ingram Mortimar. 64 *a.*

169. Instrument narrating that William Froister discharged and quitclaimed William Tailzour in Craggerne, his executors and assignees, of all debts and claims had by William F. concerning his marriage with the daughter of Tailzeour, and of all other claims to this date; in token of which discharge, William F. consented to the complete acquittal of William Tailzeour, who craved instrument. Done at Faterneir 4th June 1534 (*Cf.* No. 99). Witnesses, Thomas Graye, John Curre, William Froister, (brother) german of the said William, and (Sir John Cristisone), notary public. 64 *b.*

170. The next instrument is a repetition of the revocation (in the vernacular) by David Farlie, prior of Monymusk, as given of date 13th April 1534 (No. 122). Witnesses, Masters David Mackison, Thomas Annand, William Elphinstoun, John Howesone and Alexander Wricht. 65 *a.*

1535–1536.

171. Instrument narrating that William Anderson, curate of Inchis, passed to the personal presence of Mr. Duncan Oudny, dean of Gareaucht, alleging that the dean had power of punishing faults within the deanery, and grievously complained that Andrew Gardyne, asserted clerk depute of Inchis, on the day of the Holy Epiphany last past in presence of the Sacrament and before the parishioners spoke and uttered such words injurious to the curate "and ze gar me gang furtht of the kyrk gif I be cursit I sall do ain cursit deid and gif you with ane quhynger," threatening him because he commanded him to go out of the church as he was excommunicated, which the curate designed to prove. He protested for remedy of law, and because Andrew ought not to minister to him at the altar, nor to the parishioners, he humbly besought the dean to make diligent examination at the time of information of the faults, if such things were true; and if they be true, as it is said, that he would provide

him a clerk deputed and sufficient at the expense of the clerk principal. Done at the parish church of Inchis (Insch) 17th January 1535. Witnesses, Sirs Angus Duncanson, David Andre, chaplains, and John Oudny. 65 *b.*

172. Instrument narrating that Marziota Seitoun, lady of the terce of the lands of Auchintovil, set and leased to William Forbes in Carncovle, his heirs and assignees, her third of the lands of Carnecoule, Crumnahatte, mill and lands, with courts and their issues, escheats, bondages, carriages, averages, herezeldis, and all profits, for the space of three years after Whitsunday 1536, the date of William's entry, he paying yearly to Marziota the teind sheaves of the lands of Auquhorty which she now inhabits, with the teind sheaves of the half town of the mill of Auquhorty and of the half of Vodhill. Moreover, Marziota leases her said third part of the lands of Carncovle, Drumnahatte and mill of the same, with the third part of the mill lands from three years to three years during her life to the said William, his heirs, etc., as long as he shall warrant her in the peaceful possession of the teind sheaves of the half town of Auquhorty, with the teind sheaves of the half lands of Vodhill and the half lands of Auquhorty ; and she promised to warrant the said William during her life. Done at the parish church of Faterneir 1st February 1535. Witnesses Sir Henry Quhitwellis, chaplain, Thomas Idil, Thomas Symsone and John Curre. 65 *b.*

173. The same day the said Marziota granted her licence to Patrick Cristisone in Fetirneir and to the notary, with their respective animals (to use) the common pasture of her lands of her third of Blairdauf, Auquhorsk and Auquhorty without any impediment or hindrance, and this at the request of the said William Forbes, her son, who craved instrument. Done on the ground of the lands of Faterneir between the parish church and the wood of Faterneir on the way towards the wood. Witnesses, the foresaid William Forbes, Thomas Idil, Thomas Symsone in Vodhill, and Malleta Hyrd. 66 *a.*

1535.

174. Instrument narrating that James Gordoun of Haddaucht appeared personally on the ground of the lands of Duchre holding certain letters of sasine by John Leslie of Vardaris which he gave to Alexander Gordoun of Knokkynblyw as bailie, requesting sasine. The bailie then passed to the lands and, in terms of the letters dated at Aberdeen 8th April 1535, gave possession in usual form. Done on the lands 12th April 1535. Witnesses, Laurence Middiltoun, John Middilton and William Smyth. 66 *b.*

1535–1536.

175. Instrument narrating that John Bissait in Lauchsanze faithfully obliged himself to pay to John Cristisone in Kynnernie in marriage with Elizabeth, the daughter of John, the sum of 40 merks ; of which sum Cristison acknowledges himself fully paid of 10 merks at present and John B. obliges himself to pay 20 merks between this and Martinmas next, and 10 merks in complete payment between this and Martinmas 1538. Done at Kemna last of February 1535. Witnesses, William Styvart of Porterton, John Donaldsone in Langtule and William Cristison. 66 *b.*

1536.

176. Instrument narrating that William Anderson for himself and his wife, on the one part, and Thomas Paule in Auchryne, on the other part, agreed upon Alexander Keyth in Auquhorsth, Duncan Keyth and Arthur Forbes as arbiters and to adhere to their decree as to the crave by Thomas from William and his wife of one sheep, and of other matters debateable

betwixt them to this date, etc., and the parties oblige themselves to subscribe the decree of the arbiters. Duncan Keyth and Arthur Forbes accepted the burden of decision, and gave sentence as follows: That William Anderson and his wife shall be held scatheless of said sheep and other matters debateable alleged by the parties to date; and if either party shall propose an action against the other in future, the action being before the date of these presents, it shall be of no force, and be held for nought, but that they live in charity as becomes good neighbours. The arbiters required the parties to subscribe the decreet according to their oaths, on pain of perjury, etc.; which parties with the arbiters requested the notary to subscribe. Done at Faterneir 2nd April 1536. Witnesses, Sir Henry Quhitwellis, chaplain, Andrew Lesle and John Reche. 67 *a.*

177. Instrument narrating that Alexander Leslie of Kyncragy compeared personally upon the ground of the lands of Cragtowe holding in his hands letters containing a sasine under the seal of John Vaus of Mane; which letters he presented to Alexander Leslie of Petcapill, bailie, and desired sasine to be given. The bailie immediately passed to the lands and in the usual form gave possession of the said lands of Cragtowe and mill of the same. Done at Cragtowe 4th April 1536. Witnesses, James Lesle in Rosevat, George Pattoun, Thomas Blak, Andrew Swaipe, William Henrici (Henrison), and Patrick Martyne. 67 *b.*

178. Instrument narrating that the said Alexander Leslie of Kyncragy appeared personally on the ground of the half lands of Revanis, the sunny portion, lying within Cromar and in the sheriffdom of Aberdeen, holding letters of sasine in warrandice of the above lands of Cragtowe by John Vaus of Mane, which he delivered to Alexander Leslie of Petcapill as bailie, who passed to the sunny half of Revanis and gave possession in usual form. Done at Revanis (Ruthvens) 5th April 1536. Witnesses, John Strauchyn, Patrick Gray, William Lavsone and Donald Adesone. 67 *b.*

179. Instrument narrating that James Murray, canon of the monastery of Monimvsk, personally appeared before Sir David Fairlie, prior of Monimvsk, saying and alleging that it was made known to him that the prior craved instrument in the hands of Sir Andrew Skeocht, notary, that he (Murray) ought to seek licence from the prior and absolution to receive orders, and that he craved absolution from him, alleging that he had incurred excommunication by taking part with Sir Allan Galt; the said James declared he was under appeal from the censures of the said prior, and he grievously besought the notary that he might confess before the prior if such things were true. The notary, interrogations being heard, declared that he never had heard such things nor had given instrument in such things against him; that he had never heard him crave absolution or licence nor release from excommunication if he had incurred any; and that such things were false and vain. Done in the refectory or hall of Monimvsk 19th (April?) 1536. Witnesses, Sir John Akynheid, usufructuar of Monimusk, Sir Henry Quhitwellis, chaplain, Robert Mavnor, and John Makky, laic. 68 *a.*

180. Instrument narrating that Thomas Strauchyne of Lenturk and Nicholas Ros of Auchlossyne became cautioners for James Gareaucht of Kinstair, and faithfully obliged themselves fully to pay to Mr. Alexander Strauchyne and John Gareaucht, heir apparent of Kinstair, the sum of £40 Scots; in which case James Gareaucht shall alienate some lands belonging to him except the west half of the lands of Kinstair sold to William Burnet upon a reversion and the lands of Haucht in a clause of warrandice containing in it the sum of £200; and likewise they promised that James G. shall raise letters of the king suspending him from alienation of any lands except as above between this and the next feast of St. Bartholomew (August 24th); and if James G. shall fail in the

premisses, Thomas and Nicolas promised to pay the £40; and he promised to fulfil all and to keep them scatheless. Done at Kinstair 22nd April 1536. Witnesses, Sirs Andrew Skeocht and John Reid, chaplains, and William Forbes. 68 *a.*

181. The same day Thomas Strauchyne of Lenturk obliged himself, as cautioner for William Burnet, to pay to James Gareaucht of Kynstair the sum of £20 between this and the feast of St. Palladius (6th July), and another £20 between this and the feast of St. Bartholomew next. At Kinstair. Witnesses, Sirs Andrew Skeocht and John Red, chaplains, Henry Fowlarton and John Rany. 68 *b.*

182. The same day James Gareaucht of Kynstair passed to the personal presence of Egidia Freser, his mother, requesting her to exchange one ploughland of her third of Kinstair for another ploughland of his lands for so much profit. She was silent, but William Gareaucht, son of Egidia, said that his mother should not exchange a ploughland of her third for so much nor for any profit, if she took his counsel. Done at Kynstair. Witnesses, Master Alexander Stratauchyn and William Gareaucht. 68 *b.*

183. The same day James G. of Kinstair acknowledged that he had received from William Burnet in Craggour the sum of 240 merks in gold and silver upon the alienation of the lands of the west half of Kinstair as contained in a reversion, and discharged the said William, his heirs, etc. He also obliged himself, his heirs and assignees, to the said William that if the charters of the said west half of Kinstair, held in blench or feufarm for payment of one penny yearly, and the charters of the lands of Hauch and mill of Kinstair, in the barony of Aufurd and sheriffdom of Aberdeen, of date at Kinstair this day, be not sufficient, he shall amend and sign and seal sufficient charters by the advice of persons skilled in law. Finally, William Burnet binds himself, his heirs, etc., to amend the reversion on the lands, and also when full payment of 240 merks in the reversion is made to him or his heirs, with letters of bailiary and of lease, that the said lands with Nedder Hauchs and mill shall be held as redeemed. At Kinstair. Witnesses, Thomas Strauchyne of Lenturk, Sirs John Red and Andrew Skeocht, chaplains, and Henry Foulartoun. 68 *b.*

184. The same day Mr. Alexander Stratauchyne in Suluethe and John Gareaucht, apparent heir of Kynstair, acknowledged that they had received in keeping from James Gareaucht of Kynstair the sum of £100, which sum they bound themselves to deliver for the redemption of the lands of Tulyquhetlie from the hands of William Mawmour, his heirs, etc.; and if it happen that the said lands by the failure of said Mr. Alexander and John are not redeemed, or at least by failure to deliver the money, they oblige themselves to deliver the £100 within 40 days to the said James Gareaucht. At Kinstair. Witnesses as in preceding minute. 69 *a.*

185. The same day William Burnet personally appeared on the ground of the lands of the west half of the lands of Kinstair, holding in his hands letters of sasine issued by James Gareaucht of Kinstair, which he presented to John Gareaucht, heir apparent of Kinstair, as bailie, who after the letters were read by the notary passed to the lands and gave possession in due form. On the ground of the lands. Witnesses, Sirs Andrew Skeocht, notary, John Red, chaplains, and Henry Foularton. 69 *b.*

186. The same day William Burnet appeared on the lands of Nedder Hauchis holding in his hand a precept of sasine granted by the above James

Gareaucht, which he presented to John Gareaucht as bailie, who duly gave possession to the said William of the lands of Nedder Hauchis and mill thereof in warrandice. Done on the lands. Witnesses as in preceding minute. 69 *b.*

187. The same day John Brabnar and Patrick Wod became cautioners on behalf of James Gareaucht of Kynstair to pay and deliver to Mr. Alexander Strauchyne as much of profits in rents, gressums, customs, etc., during the space of three years after Whitsunday 1536 for 8 oxgates of west half of Kinstair, now alienated to William Burnet, as the said William received, or at least as long as the said John and Patrick are tenants of Nedder Hauchis. Done at Kynstayr "*in itinere.*" Witnesses, Thomas Strauchyne of Lenturk, Sirs John Reid and Andrew Skeocht, chaplains, William Burnet and John Rany. 70 *a.*

188. Instrument narrating that William Mortimair of Cragywair passed to the personal presence of Sir John Akynheid, usufructuar of Monimvsk, with the intention of redeeming his lands of Blayrdaf, alienated to the said usufructuar by Mortimair in feufarm, by warning Sir John to receive the sums of money in a reversion made by him to said William. The usufructuar declared he was ready to receive the sums contained in said reversion and to do what he was bound in law to do. After a time, the usufructuar called together the notary and other witnesses, and acknowledged that he had received from William Mortimair the sum of £20 and 10 merks in contentation of a letter of tack and bailiary of said lands of Blairdaf, in complete payment of all things contained in said reversion; and he discharged the said William, his heirs, etc., of the said sum of 40 merks, annulling all charters and other evidents, etc. Done within the chamber of the said usufructuar 8th May 1536. Witnesses, Sir Andrew Skeocht, Sir John Reid, chaplains, David Rauff and John Makky. 70 *a.*

189. Instrument narrating that John Meldrum, residing in Slove, and Elizabeth Auchtterarne, his spouse, personally appeared upon the ground of the lands of Hiltoun of Belty, lying in the barony of Cluny and sheriffdom of Abirdene, holding in their hands letters containing a sasine of said lands to them and the longest liver of them two, and their heirs lawfully born or to be born, whom failing to the heirs of the said John whomsoever, under the seal of Robert Irving of Belty; which letters they presented to William Brabnair, bailie, who passed to the said lands of Hyltoun of Easter Belty and gave possession to the said John and Elizabeth in due form. Done at Hiltoun of Belty 18th May 1536. Witnesses, Sir Andrew Durty, vicar of Kyncardyn, Henry Seiton, Robert Irving in Glissel and John Hunter. 70 *b.*

190. Instrument narrating that Robert Irvine of Belty obliged himself to John Meldrum and Elizabeth Auchtterarne, his spouse, that if the charter and precept of sasine of the lands of Esttoun of Belty, lying as above, be not sufficient to the effect contained in them, he will amend them according to the advice of skilled persons, until they are as sufficient as any charter in the kingdom of Scotland, with necessary extensions to the effect contained in the same of date 17th May above written. The said John and Elizabeth also bound themselves to amend their letters of reversion to Robert Irving. Done at Hiltoun of Ester Belty 18th May 1536. Witnesses as in preceding minute. 71 *a.*

191. Instrument narrating that Mr. John Freser personally compeared, alleging that he had warned and, so far as he could, required Gilbert Freser, his brother german, and John Grayme, son of Egidia Arbuthtnot, as procurator for his mother, for her interest, to meet at Mvtrail (Muchalls) on said date for division of the goods, personal and legal, of the late Thomas Freser of Stanevod, their father (for certain moral

reasons which he states); and also he said he sustained much reproach in the consistory of Aberdeen by a process led against him by William Strauchyne, son of said Egidia, by letters compulsatory. Wherefore, asserting that he was the only executor of his late father and the executor-dative of all goods not in his father's testament, for his relief at the hands of those having interest, Mr. John passed to the manor place of Mvkkail and there he caused the following animals to be appraised by trustworthy persons upon oath, viz.: Patrick Toucht, Walter Banzeoucht, Thomas Graye, John Donaldson and Duncan Fola,—first, 17 ploughing oxen, price of the piece 34s.; five old oxen, price of the piece 24s.; six cows with six calves, price of the piece 30s.; four cows, price of the piece 24s.; one old cow 16s.; eight calves, price of the piece 9s.; three "steris" of three years, price of each 20s.; three calves of two years and one "quiok," price of the piece 13s. 4d.; 36 brood sheep with lambs, price of the piece 6s.; ten rams, price of the piece 6s.; thirty other sheep, price of the piece 5s.; fourteen sheep two years old ("*bidentes*"), price of the piece 5s.; twenty-nine "hoggis," price of the piece 40d.; four "quakkis" of three years, price of the piece 18s.: And this Mr. John alleged he had done for payment of the debts in his late father's testament and for other causes to be expressed, time and place fitting; protesting that the absence of Gilbert and Egidia should not prejudice him in future. He craved instrument Done at Mvkkell 25th May 1536. Witnesses, William Blakhall of that Ilk, Sirs James Couper and Henry Quhitwellis, chaplains, Andrew Keyth and Gilbert Cheyne. 71 *b.*

192. Instrument narrating that Thomas Chartaires of Kynfavnis at the high altar "diui Monidi" of Mydmar compeared personally with the intention of redeeming the half of the lands of Bavlogy and the half of the mill thereof with the half of its lands, lying in the barony of Lumfannon and sheriffdom of Abirdene, from the hands of James Skeyne in Tellenturk, according to a reversion made by the latter to the late father of the said Thomas C. (the tenor of which was read aloud by the notary and brought to the notice of said James), containing the sum of £60 upon one half of said lands, of date at Perth 4th September 1529. Which sum of £60 with a letter of tack and bailiary for the space of five years of said lands, the said Thomas C. offered to said James (the money being previously counted by William Burnet and other trustworthy persons in presence of the notary) and the said James refused the sum; upon which Thomas C. consigned the money with tack, etc., to be delivered to the prior and convent of the friars preachers of Aberdeen for behoof of said James; and he protested that the refusal should not prejudice him as to his right of his said lands and half mill. At the parish church of Mydmar 28th May 1536. Witnesses, Sir David Reche, vicar pensioner, William Burnet, Alexander Chartaris and William Chankis. 72 *a.*

193. Instrument narrating that James Skeyne in Bandoddil, as procurator for James Skeyne in Tillenturk, who was also present and consenting, asked to see the instrument of warning to said James to receive the sum of £60 for redemption of the lands of the half of Bavlogy with the half mill and lands (and asserted) that the said Thomas (Charteris) at the time of the alleged delivery presented no instrument nor any writing by which they were held or bound to receive the money; and that the said James offered himself ready to do what in law he was bound. The same date. Witnesses as in preceding minute. 72 *b.*

194. The same day James Skeyne, as procurator, alleged that the said letter of tack and bailiary was not made conform to the reversion, because it did not mention James S. and there were some words contained in the letter erased, for which reason he said the tack was of no effect. Done as above. Witnesses as in minute No. 192. 72 *b.*

195. The same day the said procurator asserted that the above letter of tack was not dated according to the reversion, but that the date given was at the feast of Whitsunday after the date of the presents, which ought not to be, but immediately after the delivery of the money and tack; for which reason the lands could not be held to be duly redeemed. Moreover, he declared that James Skeyne was warned to receive the sums of money on the 29th May instant, which was not this day. Done as above. Witnesses as in minute No. 192. 72 *b.*

196. The same day Thomas Chartaris of Kynfavnis asked James Skeyne if he was warned in his name by William Burnet in Craggovrne to receive £60 for the redemption of the half lands of Bavlogy and the half mill and lands; and S. acknowledged he was so warned for the 29th May at the church of Mydmar. Done as above. Witnesses as in minute No. 192. 73 *a.*

197. The same day Thomas Charteris, hearing the allegations of James Skeyne that the letter of tack, etc., was not made conform to the reversion by S., offered himself ready to seal an amended tack sufficient by the advice of skilled lawyers. Done as above. Witnesses as in minute No. 192. 73 *a.*

198. Instrument narrating that Thomas Charteris appeared at the high altar of St. Monidi of Mydmar in presence of the notary and other trustworthy persons and caused the sum of £60 Scots to be counted; which sum with a letter of tack, etc. of the lands above named he offered to James Skeyne in Tillenturk for redemption of the lands, who refused the same for the reasons expressed above on 28th May. Charteris consigned the money, etc. in the hands of the prior of the friars preachers of Aberdeen; protesting, as before, that the lands are to be held as redeemed, and for remedy of law. Done as above on 29th May 1536. Witnesses as in minute No. 192. 73 *a.*

199. The same day Thomas Charteris of Kynfavnis passed to the personal presence of James Skeyne in Tillenturk and warned and required him to compear (no date named) at the high altar within the parish church of St. Monidi of Mydmar, and there to receive £60 Scots with a letter of tack and bailiary of one half of the lands of Bavlogy (and others as before) made and to be made to the said James; and that for redemption from his hands of said lands by Thomas C., his heirs, etc., in terms of a reversion and obligation by S.; and if S. fraudfully absented himself, he protested for remedy of law. Done in the parish church of Mydmar. Witnesses, William Burnet, Alexander Chartaris and William Chankis. 73 *b.*

200. Instrument narrating that Alexander Keyth in Auquhorsk consigned and delivered to James Keyth, his heir apparent, the sum of 140 merks Scots to purchase land for the said James K., his heirs and assignees; reserving, however, the frank-tenement of the money and lands to the said Alexander and to Margaret Cruschank, his spouse, and the longer liver of them, provided that none of them shall have power to dispose of said money during the life of Alexander or Margaret, unless to purchase land; which sum of 140 merks Mr. Duncan Chavner, rector of Furvy (Forvie, now part of Slains), acknowledged he had received to keep until lands were found to purchase; and he faithfully promised to deliver the sum when requested by Alexander and James Keyth. Done at Kynnellar 1st June 1536. Witnesses, Master Robert Davidson, vicar of Kynnellar, William Smyth and Henry Gareaucht. 73 *b.*

201. Instrument narrating that Archibald Douglas of Glenbarvy, cessioner and assignee of George, Earl of Huntlie, for redeeming the lands of Craggeyrne, passed to the personal presence of John Gordoun of Havheid,

and in his presence at the high altar within the parish church of St. Machar of Cluny, counted and caused to be counted the sum of £100 Scots, which he offered to the said John with a letter of tack of the lands of Craggerne made by Archibald to John for the space of three years next to come, for redemption of said lands. The said John G. received the £100 in presence of the notary and witnesses, with the letter of tack in complete contentation of redemption of the lands and quitclaimed the said Archibald, his heirs, etc., and others having interest; and in token of true redemption of the lands, he renounces right to all charters and other evidents formerly had upon the lands, except only the rights contained in the letter of tack for the space of three years from Whitsunday in the instant year. Done at Cluny 2nd June 1536. Witnesses, William Mortimar of Cragiuar, John Leslie, heir apparent of Boquhan, Master Walter Styvart, Sir James Auchlek, chaplain of Drumlethe, and George Auchlek. 74 *a*.

202. The same day the said John Gordoun of Hawheid protested that although the above letter of tack did not mention the rent of the said lands for which he was bound to pay such sum as the land paid at the time of a reversion (dated 28th March 1521) made by the late John Gordon, his father, his rights in future should not be prejudiced. Done as above. Witnesses as in preceding minute. 74 *a*.

203. The same day personally compeared George Hurre for his interest and Jonet Tullidef, alleged lady of the third of said lands, now spouse of said George, and required from John Gordoun the third part of the said £100, intimating and, as far as possible, forbidding him to intromit with the third part of the lands of Craggerne during the space of three years next to come under pain of law. Moreover, Nicholas Ros and William Strauchyne offered themselves as cautioners for the third part of said sum and the third part of said lands of Cragerne that they may do what in law they are bound to do; and if they do otherwise they protest for remedy of law. At Cluny. Witnesses, William Mortimar of Cragyuar, Alexander Mortymar, heir apparent thereof, Master Walter Styvart, Thomas Rouch and Sir James Achlek. 74 *b*.

204. Instrument narrating that Archibald Douglas of Glenbarvy compeared personally on the ground of the lands of Cragerne, holding in his hands letters of sasine by George, Earl of Huntlie, dated at Huntlie 4th April 1536, which he presented to James Leslie in Rosevat, bailie, requiring him to give possession. The notary having read the letters, the bailie passed to the lands and gave sasine and possession to the said Archibald Douglas in usual form. Done on the lands 6th June 1536. Witnesses, George Auchlek, Patrick Forbes in Miltone, William Foular, Thomas Gray and James Jhonson. 74 *b*.

205. Instrument narrating that John Gordoun of Havheid appeared personally, asserting that he is tenant of the lands of Cragerne during the space of three years from Whitsunday in the year instant by reason of a certain tack made to him by Archibald Douglas of Glenbervy; and he likewise declared that as true tenant of the lands he placed some goods in the houses now last occupied by Alexander Nichol, William Downe and Alexander Tailzeour as last holding part of the lands in the year past; protesting that if the said parties or any of them should intromit with his goods or the said lands of Cragerne after said Whitsunday he protested for remedy of law. Done at Cragerne 7th June 1536. Witnesses, Alexander Gordoun of Sauchyne, Patrick Toucht, William Foular, Andrew Elmisle, laic, and Sir Henry Quhitwellis. 75 *a*.

206. The same day Alexander Nicholl, William Downe and Alexander Tailzeour passed to the personal presence of the said John Gordoun, asserting that they were tenants of the said lands of Cragerne and

specially of two parts thereof within enclosed bounds, and that they were not warned by any one; for which reason they desired their tenancies according to the Act of Parliament, and that if they were molested they protested for remedy of law. Done as above. Witnesses as in preceding minute. 75 *a.*

207. The same day Jonet Tulidef passed to the personal presence of the above John Gordoun asserting that she was lady of the third of the lands of Cragerne during the space of three years next to come; for which reason she declared the third for one year next to come to belong to her of right and to be expressed at fitting time and place; that if she were molested by any persons she protested for remedy of law. Done as above. Witnesses as in minute No. 205. 75 *b.*

208. Instrument narrating that William Forbes of Corsindave and Margaret Lummisdane, his spouse, compeared personally upon the ground of the lands of Blachre, Bavdechail, Mvirfundland and Maktary, lying in the barony of Fyve, holding in their hands letters of sasine dated at Corsindave 12th June 1536, under the seal of George Meldrum of Fyve; which letters they presented to William Styvart of Portertoun, requesting sasine. The said bailie passed to the lands and gave possession in the usual form. Done on the lands 20th June 1536. Witnesses, Master W. Toucht, Donald Toucht, John Makky and James Stevyne. 75 *b.*

209. The same day John Criste and James Stevyne personally compeared in a court of William Forbes of Corsindave, held at Maktare within the parish of Fyve, by William Styvart of Portartoun, bailie for the time, upon a dispute between them as to their pasture with animals. They acted in the court that each of them should have pasture with his animals on each side of the burn betwixt them to the space of "ane payr of butlynthis except corne land and hanyt gyrse oysit and wount." Done at Macktare as above. Witnesses, Master William Toucht, chaplain, Donald Toucht, John Makke and (Sir John Cristisone), notary public. 76 *a.*

210. The same day William Styvart of Porterstoun, bailie foresaid, in token of possession given by him to William Forbes of Corsindave and Margaret Lummisdane, his spouse, of the lands of Blachre, Bavdechail, Mvirfundland and Maktare, immediately chose one ox of a black colour valued by trustworthy persons on oath at the sum of 35s. with which he intromitted according to the use and custom of Scotland, without hindrance of any one. Done on the lands of Macktare. Witnesses, Master William Toucht, chaplain of Peccache, Donald Toucht, John Macke, laic, and Sir John Cristesone, notary public. 76 *a.*

211. Instrument narrating that Thomas Charteris of Kingfaunis, at the high altar of St. Monidi of Midmar, openly before high mass, warned and required certain persons to desist from the grazings and pastures of his lands of Hill of Fayr and of his other lands with their animals in time to come, under pain of law which they may incur at the hands of the King and himself specially under a penalty for each beast or animal being found there of 11 shillings, excepting the animals of Sir David Reche, vicar of the same, to whom he gave licence through all pasture in the moors and mosses of the Hill of Fayr. Done 28th May 1536. (No place mentioned, but probably at the parish church of Midmar, *cf.* No. 192.) Witnesses, James Skeyne of Avquhorsk, James Skeyne of Tellenturk and Thomas Forbes. 76 *b.*

212. The same day James Skeyne in Bandodill, procurator for James Skeyne of Tillenturk, by his order solemnly protested that the permission granted to the said Sir David Reche with his animals in the moors and

mosses of the Hill of Fayr should not prejudice James S. of Tillenturk as to his right of the lands of Bavlogy granted by Thomas Charteris (of Kinfaunis). Done as above. Witnesses as in preceding minute. 76 *b.*

213. The same day, William Burnet in Camfell acknowledged that he had received in keeping or deposit from Sir David Reche, vicar pensioner of Mydmar, in counted money, the sum of £60 Scots, which he obliged himself to deliver to Sir David between this and the 8th November next, or at least to deliver to him charters and evidents, namely, one charter and precept of sasine of the lands of the east half of the lands of the mill of Bavlogy, and half of said mill, under the seal of Thomas Charteris of Kinfavnis, temporal lord of the same. Lastly, on 8th November in the year noted the said Sir David Reche acknowledged that he was well and faithfully paid the said £60 by William Burnet and quitclaimed him, his heirs, etc. in future, and quashed the present protocol for ever. Done at Mydmar concerning the receipt of the sum by William. The quashing of the present protocol was done at Cormoyr. Witnesses to the instrument, Thomas Morgyne, John Strachauhyne in Cormoyr, and James Bruiss. Witnesses to the quashing of the protocol, Thomas Charteris of Kinfavnis, John Strauchyne. 77 *a.*

214. Instrument narrating that Duncan Davidson of Cornabo obliged himself, his heirs, etc., to William Burnet in Camfell, his heirs, etc., to compear at the chapel of Gareaucht 13th July next following, there to appoint procurators to appear before the Archbishop of St. Andrews as overlord, for resigning his whole lands of Cornabo in the overlord's hands in favour of William Burnet, or in favour of any other at William's pleasure for the sum of 80 merks Scots with £20 in goods to be valued by trustworthy men; which sum, the resignation being made, William promised to pay to the said Duncan. Both parties bind themselves to observe the conditions. At the Chapel of Gareaucht 22nd June 1546. Witnesses, Master John Smovit, Sir William Crushank, Gilbert Lessellis and (Sir John Cristesone), notary public. 77 *b.*

215. Instrument narrating that Alexander Lesle of Kincragy, Patrick Vrtan, David Wrtane, Patrick Robertson, Humphrey Henre, John Wrtane, Ingram Mortimar, Thomas Henre, Bessie Mortimar, Alexander Davidson, Mariota Seitoun, George Mortymar, Thomas Crag, Patrick Mill, Thomas Mill, David Mill, William Bennet, James Lesle, John Mortimar, Alexander Creychtoun, John Swaipe, William Smyth, Thomas Cove, William Duncan, John Brachra, John Wat, John Wilson, Alexander Dikke, William Watt, Marjory Dikke, Andrew Makke, Paul Donaldson, James Andre, David Robertson, Patrick Endeaucht, William Henre, William Wrtane, George Groobe, John Makke, Robert Jhonstoun, John Wychtman, William Cowe, William Robertson, William Barnet, William Philpe, John Andre, James Banzeaucht, Robert Fergus, Andrew Ronaldson, John Tailzour, Walter Tailzour, Cuthbert Jhonston, John Robertson, Patrick Couper, William Blakhall, John Jak, Robert Anderson, Anthony Makke, Alexander Ronaldson, Malleta Clark, Malleta Vrtane, John Huchon, Walter Banzeaucht, John Wobstar, John Jhonston, Sir James Kyd, vicar, Alexander Cromme and William Wobstar, parishioners of Innerovre, gave their election and votes to John Lesle to enjoy and possess the office of clerk of Innerovry when it shall be vacated by decease of John Blakhall, last parish clerk; and chose the said John L. as a fit and able person for the office and presented him to William, Bishop of Aberdeen. Upon which the presentee craved instrument. Done in said parish between 6 a.m. and 1 p.m. on 23rd June 1536. Witnesses, John Patre, John Reche, Walter Tailyour, Robert Fergus, and (Sir John Cristesone), notary public. 78 *a.*

216. Instrument narrating that John Lesle, son of Alexander Lesle of Kincragy personally appeared at the high altar in the parish church of Innerovry

declaring that he was the true and undoubted, elected and presented parish clerk of Innerovry; therefore lest that church remain destitute of service he offered himself ready to serve the vicar at the altar and the parishioners in all things which belonged to the office of parish clerk as he is duly bound. 24th June 1536. Witnesses, Sir James Kyd, vicar pensioner, Walter Banzeaucht, William Duncan, John Tailzour, and (Sir John Cristesone), notary public. 78 *b.*

217. The same day William Blakhall of that Ilk, tacksman and depute of John Blakhall, parish clerk of Innerovry, offered himself ready to do service in the office of clerk, and he protested solemnly that the election and votes of the parishioners of Innerovry given to John Lesle should not prejudice his own right and that of John B., parish clerk, because it was not divulged to the ears of the parishioners nor perfectly known to them as to any manner of vacation. Done as above. Witnesses as in preceding minute. 78 *b.*

218. Instrument narrating that Alexander Tailzeour in Cragerne and Marjory Hanre agreed upon Sir Thomas Mvkart and William Couper on behalf of Marjory and Sir John Cristesone and James Jhonsoun on behalf of Alexander, with Patrick Forbes as oversman, and to abide by their award concerning the goods of the late William Tailzeour and other matters debateable betwixt them; the decree to be given between this and the feast of the Assumption of the Blessed Mary (Sept. 15) next to come. Done at Cragerne 6th August 1536. Witnesses, William Farchar, Thomas Gray and Alexander Nicholl. 79 *a.*

219. Lastly, the said arbiters continued their decreet until 13th August instant; on which day Sir John Cristesone, James Jhonsoun and Patrick Forbes, oversman, as for William Tailzeour, published their decreet arbitral, upon oath as in a writing well advised by them. Done at Cragerne. Witnesses as in preceding minute. 79 *a.*

220. Instrument narrating that William Forbes of Corsindave personally compeared in the court of the sheriff of Aberdeen held upon the Blakhill, in the parish of Avfurd, by William Rolland, sheriff, in the cause moved by James Gareaucht of Kinstair concerning his crave for cognition of certain debateable lands, which William F. asked Mr. John Haye as his prelocutor, not admitting William Rolland, the sheriff, as a judge competent to him. The sheriff granted Mr. John as prelocutor. At the Blak hill 28th July 1536. Witnesses, Henry Forbes of Thanistoun, Robert Lummisden, William Styvart of Portertoun, Sir John Gillespy and Master Robert Lummisdan, notary. 79 *b.*

221. The same day Mr. John Haye, prelocutor for William Forbes, asserted that said sheriff had not so many lands, namely "fedil landis," as the claim of Gareaucht against Forbes, as he is bound to have (*tantus terras viz. fedil landis sicut clameum ipsius Jacobi Gareaucht contra dict Willielmum sicut idem habere teneatur*), for which reason he asserted the sheriff had not competent jurisdiction between the parties and is to be rejected in the action. Done as above. Witnesses as in preceding minute. 79 *b.*

222. The same day Mr. John Haye, as procurator, asserted that the sheriff had published his letters to cite William Forbes in the cause, unconform to the royal letters, not having specified to the parties a special place to compear, but making mention that they may compear upon the lands in dispute betwixt them; for which reason William F. was not compelled to answer in the cause. Done as above. Witnesses as in minute No. 220. 80 *a.*

223. The same day, Mr. John Haye, procurator for William F., presented to said sheriff and the barons called to the assize a decreet arbitral signed, as it appeared, by Lord Forbes, William Gordoun of Crag and Henry

Forbes of Thainstoun, arbiters chosen between the said parties (Gareaucht and Forbes), specifying the bounds and marches between the parts of the said lands alleged debateable; and he solemnly protested that the lands were as a *res judicata* by said decreet, and if the sheriff or assize chosen and called in the cause, proceeded further, they would commit an error willingly and not of neglect, and that he did not admit the sheriff as a competent judge in the case. Done as above. Witnesses as in minute No. 220. 80 *a.*

224. Instrument narrating that Alexander Forbes, burgess of Aberdeen, gave up all right or claim to 8 oxgangs of land of the town of Pendreich, in the parish of Keig, which he has or may have to that tenancy, to David Fergus, obtaining the consent of the Archbishop of St. Andrews; and he also gave him full power to compear before the Archbishop to place his name upon the rental, and to delete Alexander's name; that if he do not obtain the Archbishop's goodwill, Alexander's right to the tenancy shall in that case remain safe and unhurt. Done at Aberdeen 8th December 1536. Witnesses, John Piyll, Duncan Fergus and Huchone Burnet. 80 *b.*

225. The same day John Mayr, laird of Deracroft of Dene bra, appointed John Myrtoun and Alexander Thomsoun, his procurators, giving full power to his procurators, namely, Messrs. Thomas Crag, Gilbert Keyth, Alexander Makky, John Myrtoun and Alexander Thomsoun, to compear before James, Archbishop of St Andrews, to resign his lands of Deracroft of Dene bra, in the lordship of Keig and sheriffdom of Aberdeen, in the hands of the superior, in favour of Duncan Fergus; and desiring the resignation to be received and admitted. Done at Aberdeen. Witnesses, Alexander Bardy, David Fergus, Alexander Fergus, Alexander Fardill, and (Sir John Cristisone), notary. 80 *b.*

226. The same day Duncan Fergus faithfully promised to pay to John Mayr during his life for himself, his heirs, etc., yearly, the rent of said croft due and wont, namely 20s. Done as above. Witnesses as in preceding minute. 81 *a.*

227. Instrument narrating that William Zung, procurator for William Forbes of Corsindave, required James Gareaucht of Kinstair for his alleged interest, at his gate and mansion of "Litil Indovy," although not present, to compear upon the ground of the lands of Elrik, lying in the parish of Aufurd, to see the grain which grew upon the land, formally arrested at the instance of said James, to be released by royal letters, and to see and hear the grain to be measured and valued according to quantity, especially by Andrew Ros, Robert Marsair, John Elmisle and Alexander Andersone, who promised upon oath to value and measure it. Done at Little Induvy 10th December 1536. Witnesses, John Forbes, Donald Toucht, Henry Foular. 81 *b.*

228. The same day John Gareaucht, son of said James. in name of his father, craved a copy of the said letters at his father's cost, and the said procurator for William Forbes offered to do upon the ground of the debateable lands concerning his crave what he is bound in law to do. Done at Little Indovy Witnesses as in preceding minute. 81 *b.*

1536-1537.

229. Instrument narrating that Sir Alexander Oistes, vicar pensioner of Diys, personally compeared before Mr. Duncan Oudny, dean of Christianity (rural dean) of Gareaucht, asserting that Robert Innes in Diyse, not being cited but of his own motive, compeared at a temporal assize of the visitation of the bishop of Aberdeen held at Kintor said day, for which reason he declared that said Robert is not to be admitted to the

assize but altogether rejected ; and he protested that whatever was done by Robert on said assize should not prejudice him, upon which he craved instrument. Done at the high altar within the parish church of Kintor 8th January 1536. Witnesses, Master Robert Davidson, vicar of Kynnellar, Sir John Thomson, chaplain, Thomas Sherar and (Sir John Cristisone), notary public. 82 *a.*

230. Instrument narrating that William Mawmour renounced his right and property of the lands of Tullechacle except to letters of tack and bailiary of the lands made by James Gareaucht of Kinstair to him, his heirs, etc.; and the said William acknowledged himself fully paid of all sums of money in a reversion of the lands and quitclaimed James G., his heirs, etc., for ever. Done at Tulinestyne 21st January 1536. Witnesses, Master Duncan Oudny, Donald Toucht, William Straquhyn, Thomas Clark and (Sir John Cristisone), notary. 82 *a.*

231. Instrument narrating that Alexander Keyth in Auquhorsk appointed and with consent of Andrew Fraser of Stanewod constituted for himself and Margaret Cruschank, his spouse, his first born son, James Keyth, and Christina Lesle, as their lawful procurators and cessioners in and to their lands of Mekil Clyntertaye, and to the lands of Innervede, lying in the barony of Stanevod and Kilmundy and sheriffdom of Aberdeen ; and likewise to the sums of money in a certain reversion upon the alienation of said lands ; reserving to Alexander K and Margaret, his spouse, the franktenement of the lands and money during their lives and the life of the survivor. Alexander K. also obliges himself to make no assignations except to the said James and Christian, providing however that the latter shall have no profit of the lands or money during their lives (of Alexander and his wife) or that of the survivor. At Mykal 10th February 1536. Witnesses, Sir Henry Quhitvell, chaplain, John Curre, John Nicholl and (Sir John Cristisone), notary public. 82 *b.*

232. Instrument narrating that David Ogilvy of Tolmad, overlord of the lands of Brokholis, with his own hands, inducted Duncan Stratauchyne in Petmone into possession of the lands of Brokholis, in the parish of Kincardyne and sheriffdom of Aberdeen, in the usual form according to a charter. Done on the lands 26th February 1536. Witnesses, John Stratauchyne, Alexander Stratauchyne, Duncan Nicholl, John Blakhall and Duncan Scott. 83 *a.*

233. The same day David Ogilvy of Tolmad acknowledged that he had received from Duncan Stratauchyne of Brokholis the sum of 200 merks for his "no interest" (*sic*, but *lege* non entry) in the lands from the day of decease of James Strauquhyne, father of Duncan ; and he promised to relieve Duncan at the hands of those having interest as the order of law demands. Done at Brokholis. Witnesses, Duncan Nicholl, John Blakhall, Duncan Scott and (Sir John Cristisone), notary public. 83 *a.*

234. Instrument narrating that David Red, officer of Lord Forbes, appeared personally in a court of said lord, held at Cabete (Kebbaty) by Robert Lummisdane, his bailie, and summoned ("*vocitauit*") all the tenants of Lord Forbes by asserting that they were warned to shew their tacks, if they any had, of any tenancies belonging to the said lord, under pain of law. There compeared Thomas Stratauchyne of Lenturk who asserted he had a tack of the lands or tenancy of Tullechere, Ranallache, Tulefour, of the said lord for a space of years contained in the tack, as yet not completed ; and likewise he asserted that William Stratauchyne had a tack from said lord, as yet not completed, of a tenancy, namely three quarters of Tullereaicht, David Stratauchyne of one quarter of Tullereaucht, and David Stratauchyne of two parts of Tolmad, Mr. Alexander Stratauchyne of the tenancy of Selneche for his whole life time, and

William Stratauchyne of the tenancy of Carnaweran. Thomas S. for himself and as procurator in their name offered to shew or to prove their tacks at a fitting time and place before a competent judge. Done at Cabete 19th February 1536. Witnesses, Master of Forbes, William Forbes of Corsindave, Sir John Carleil, vicar of Glenbuchat, Sir John Mechell, vicar of Forbes, and (Sir John Cristisone), notary. 83 *b.*

235. The same day, David Reid, officer, at command of Lord Forbes and the bailie, warned Thomas Stratauchyne of Lenturk and all other persons who, of his knowledge, asserted that they had title to the above tenancies or other tenancies, to compear at Cabete at a court to be held there by Lord Forbes' bailie on the 6th March next to come to show their tacks, if they any have, from the said lord of any tenancies belonging to him, and that for a peremptory term under pain of law and also under pain of their removal from the tenancies. Lastly, the officer at command of said lord warned all his tenants to compear said day and place to receive and have their tenancies which they occupy from said lord, as may seem expedient or may be agreed, or to remove at Whitsunday next, under pain of law. As above. Witnesses as in preceding minute. 84 *a.*

236. The same day David Ogilvy of Tolmad appeared in the court before said bailie protesting that whatever was done by the bailie in the court at Cabete should not prejudice his right in the future. Done as above. Witnesses as in minute No. 234. 84 *a.*

237. The same day William Styvart of Portertoun, Patrick Forbes, burgess of Aberdeen, and Robert Forbes in Sonhunne reclaimed and adhered, and for each of them, adhered and reclaimed an appeal made by John, Master of Forbes in their name from the sentence or decreet of George, Earl of Huntlie concerning the price of safety or of killing of the Laird of Meldrum, namely his "*kynbuyt*"; and they consent to hold stedfast and ratify the said appeal. Done at Cabete as above. Witnesses as in minute No. 234. 84 *b.*

1537.

238. Instrument narrating that John Lord Forbes personally appeared before James Jhonstoun of that Ilk and Robert Lummisdane, his bailies, in a court held at Cabete, and craved John, Master of Forbes, William Forbes of Corsindave and Mr. Robert Lummisdane, as his procurators and prelocutors, in a cause moved and to be moved by him against Elizabeth Robertsone, relict of the late James Straquhyne, John Straquhyne and Alexander Straquhyne, her sons, as to the breaking of a certain arrestment and other causes. The bailies admitted said persons. 21st April 1537. Witnesses, the laird of Auchintovil, Sir William David, chaplain, Sir John Gillespy, chaplain, Robert Forbes. 84 *b.*

239. The same day Alexander Stratauchyne and John Stratauchyne, no protest preceding, craved Thomas Stratauchyne of Lenturk as procurator and prelocutor for them and Bessie Robertsone, their mother. The said bailies admitted him as procurator, and he, no protest preceding, asserted that Bessie R. is not to be compelled to compear the said day in said court before the bailies, because she was arrested within the territory of the town of Tulecarn as was shown in a precept of Lord Forbes. Wherefore Mr. Robert Lummisdane, procurator for Lord Forbes, protested for proposing certain exceptions in the cause against Elizabeth, and also that he had made debate before the bailies. Done as above. Witnesses as in preceding minute. 85 *a.*

240. The same day, the bailies, notwithstanding the premisses, asked the said Alexander, John and their forespeaker if they wished to propose any exceptions, refutatory, dilatory or peremptory, and (declared) they were ready to minister justice in any causes against them, and to do what the law willed and to be purged of evil counsel. Done as above. Witnesses as in minute No. 238. 85 *a.*

241. The same day Thomas Stratauchyne, "prelocutor" as above, asserted, in presence of the bailies, that they were partial and suspect judges in any cause of said parties, and that they were not judges competent, for reasonable causes to be expressed time and place fitting ; wherefore he protested that whatever was done by them against the said Alexander, John and Elizabeth, because they ought not to compear, should not prejudice them as to their rights. Done as above. Witnesses as in minute No. 238. 85 *a.*

242. Instrument narrating that Richard Jhonsone, bailie in that part of James, Archbishop of St. Andrews, inducted Duncan Fergus into possession of the lands of Dera Croft of Dene bra (*cf.*, No. 225 *supra*), lying in the lordship of Keig and Monimvsk and sheriffdom of Aberdeen, in the usual form in terms of a precept by the Archbishop. On the lands 20th May 1537. Witnesses, Sir John Ray, Walter Scot, Thomas Buchan. 85 *b.*

243. Instrument narrating that John Duncan, on the one part, and William Stevyne, on the other, agreed to adhere to the award of Alexander Lesle of Petcapill, Alexander Lesle of Kincragy, Alexander Gordoun of Brachaucht and Sir John Cristesoun for the said John D., Alexander Jhonstoun of Creychtmont, William King, and John Chawmer for William S. and William Lesle of Bolquhane, as oversman, or any two of them on either side with the oversman in case of difference, concerning the request of William S. for the property or bairn's part of his late father, and other causes of dispute betwixt them, renouncing other judges. At last, at the request of the parties, William Lesle of Balquhane, Alexander Gordoun, William King and Sir John Cristesone accepted upon them the burden of decision in the cause between this and the feast of the Purification of the blessed Mary (2nd February) next, and examined six or eight witnesses produced on behalf of William. John D. craved instrument. Done on the ground of the lands of Knokcalloquhy 19th October 1537. Witnesses, Alexander Leslie of Pettcapill, Sirs James Kyd, notary, and Henry Quhitwellis, chaplains. 85 *b.*

244. Instrument narrating that John Banzeaucht, son of the late Walter Banzeocht, appeared personally in a court of the town or burgh of Innerovry held at the market cross there by Robert Fergus and James Banzeocht, bailies of said burgh, and humbly requested them to make diligent inquest by faithful and good men, burgesses of said burgh, by whom the truth might be better known, they being sworn as the manner is, of what lands the late Walter Banzeaucht, his father, died vest and seised at the faith and peace of the King in free burgage of said burgh, and if he is the lawful and nearest heir of said Walter, his father. The bailies convoked a trustworthy inquest to the number of 15 persons, who being sworn, state that the late Walter Banzeaucht, father of John B., died last vest, etc. in nine roods or particates of land with house, lying in the territory of said town between the lands of Agnes Tailzeour on the north and the water of Done on the south ; three roods between the king's lands on the north and the Done on the south ; one rood between the lands of Thomas Reche on the south and the highway on the north ; three roods lying in the "Stanneris" between the lands of Andrew Brachaucht now of John Makky on the south and the Kirklands on the north ; one rood lying within the "Stanneris" between the lands

of John Curre on the south and the King's lands on the north ; one croft of land lying on the west side of the lands of "Castell Zard" ; two roods and a half with half of a quarter rood of land lying on the west side of said town between the lands of the monastery of Londoris on the north and the lands of John Anderson on the south ; six roods lying within the "Stanneris" between the King's land on the north and the lands of Patrick Forbes on the south ; one croft of lands called "Madder Zard" lying between the common land on the west and the highway on the east ; one rood and a half lying on the east side of said town between the lands of Andrew Jak on the north and the Kirklands on the south : Likewise in two roods of lands lying on the west side, between the lands of John Williamson on the south and the lands of Patrick Forbes on the north ; in a piece of land called "the third of the nedder Stanneris" lying between the King's lands on —— and the lands of Alexander Melving on ——, a piece of land called "the Done rig" within the "Stanneris" lying between the lands of John Tailzeour on the north and south ; a rood lying on the west side of the town between the lands of Thomas Ros on the south and the lands of James Banzeaucht on the north ; and in five roods and a half lying on the west side between the lands of William Wobstair on the north and the lands of Agnes Tailzour now of Walter Anderson on the south. The inquest also state that John B. is the nearest and lawful heir of his late father and that he is of lawful age, and that the lands are held in free burgage. On the report of the inquest John B. requested James Banzeaucht, one of the bailies, to give him possession, who immediately passed to the lands and gave possession in usual form, saving always the rights of Agnes Blackhall, mother of John, to her conjunct fee. Done on the lands 11th October 1537. Witnesses, William Blakhall of that Ilk, Robert Fergus, Walter Clark, John Vilzemsone. 86 *a.*

245. The same day William Banzeaucht passed to the personal presence of James Banzeaucht, one of the bailies of Innerovry, and required him to give him possession of the underwritten lands in terms of a resignation formerly made in the bailie's hands by Walter Banzeaucht, his late father. The bailie declared the request to be just, and immediately passed to five roods of lands lying on the west side of Innerovry between the lands of William Blakhall on the north and the lands of John Robertson on the south, and to a rood and a half lying as said is between the lands of John Robertson on the north and south ; and inducted the said William into possession of the lands, to be held in free burgage, reserving the conjunct fee to Agnes Blakhall while she lived. Done on the lands as above. Witnesses as in preceding minute. 87 *a.*

246. The same day John Banzeaucht of his own free will ratified and approved the sasine so taken by William Banzeaucht of the six roods above described, reserving Agnes Blakhall's conjunct fee. At Innerovry as above. Witnesses as in minute No. 244. 87 *b.*

247. The same day William Blakhall of that Ilk protested that the sasine given to John Banzeaucht of two roods belonging to him lying on the south side of Innerovry should not prejudice his right in future. And likewise Agnes Blakhall protested as to the lands and roods lying in said town belonging to her in conjunct fee during her life, and that the sasine given to John Banzeocht, her son, should not prejudice her. At Innerovry as above. Witnesses as in minute No. 244. 87 *b.*

248. Instrument narrating that James Forbes of Auchintovil and John Reche, residing in ——, agreed to adhere to the award of James Gareaucht of Kinstair, James Caldair of Avsloun, Duncan Caldair, John Watsoun, with David, prior of Monimvsk, as oversman, or in his absence, Mr. John

Forbes of Barnis, William Mortimair of Cragyvair and Sir John Cristesone or any two of them in place of the prior, regarding the petition of John R. for one horse and four bullocks unjustly, as he asserted, intromitted with by said James; and as to James F.'s crave of certain fines owing to him by John R., and other matters in dispute betwixt them; the arbiters to compear at Monimvsk 6th November next, with continuation of days, etc. Done at Faterneir 29th October 1537. Witnesses, Master John Elphinstoun, rector of Invernochty, Alexander Gordoun of Brachacht, Sir Robert Makesoune and John Makke. 87 *b.*

249. The same day James Forbes of Auchintovil faithfully obliged himself to David, prior of Monimvsk, as to all and sundry things intromitted with by him from John Reche in case John proved that James intromitted with his goods because he became cautioner for Alexander Muyr for his fines. Moreover, for purchase he promised to the said prior, if it shall be so proved, the sum of 100 merks Scots; upon which the prior asked instrument. At Faterneir as above. Witnesses as in preceding minute. 88 *a.*

250. The same day James Forbes found William Lesle of Bochane as cautioner to John Reche, and John R. found Duncan Davidsone of Auchinhamperis cautioner to said James, for fulfilling the above written decreet arbitral according to agreement and to make restitution of any dues decerned by the arbiters within 24 hours after the decree; and James and John bind themselves by a show of hands to keep their cautioners scatheless. Done as above. Witnesses as in minute No. 248. 88 *b.*

251. Instrument narrating that John Baxter set and leased to William Smale, Katrine Patrick (? Paterson) and their oldest offspring, his croft called the "guys croft" with houses and buildings, lying on the north side of the town of Kintor, for the space of seven years following Whitsunday 1538, the date of their entry, they paying to John B. his heirs and assignees the sum of 6s. 8d. yearly and an annual rent of 6s. 8d. to Alexander Chavmer and his heirs and the burgal rent due and wont during the said space. Moreover, the said John faithfully promised to pay to William, his spouse and their elder child, if they happen to be molested in peaceful possession during said space, the sum of 10 merks for expenses and loss and to warrant them as said is. Done at Faterneir 2nd November 1537. Witnesses, Sir Henry Quhitwellis, John Nicholl, William Kello and Thomas Red. 88 *b.*

252. Instrument narrating that James Forbes of Auchintovil openly and publicly acknowledged that John Reche had a tack, with his subscription manual, made to him in the present year of his tenancy of Neddermill, but alleges that he has not been fully paid by him for said tenancy. James Skeyne asked instrument. Done within the church of the monastery of Monimvsk 6th November 1537. Witnesses, James Caldar of Awslovne, James Garreaucht of Kinstair, Duncan Caldar, John Watson and (Sir John Cristison), notary. 89 *a.*

253. The same day James Forbes openly acknowledged that after the apprising of certain goods of John Reche by his officer, he, three or four days afterwards, caused Mr. John Paterson to write another precept for attaching and punishing John R. and his goods for certain fines due to James, as he asserted; upon which James Skeyne as procurator for John R. asked instruments, alleging also the said precept should have no force because it was written after the apprising and attachment of the goods of John R. Done as above. Witnesses as in preceding minute. 89 *a.*

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1537-1538.

254. Instrument narrating that Mariota Seitoun, lady of terce of Auchintovil, made and appointed James Twring her assignee in and to all the profits, namely, gressums, rents and customs, of her lands of the third part of Auchentovil, Awsloun, Vuer hills and Colfork for three years following this date, in part payment of the sum of 40 merks owing to him by her for marriage with her daughter Violet Forbes; and she promised to warrant him in peaceful possession of said lands. Done at Faterneir 18th February 1537. Witnesses, Sir Henry Quhitwellis, Patrick Cristesone, John Patre and David Rauf. 89 *b.*

255. The same day the said James Twring and Marziota Seitoun, with consent, set and leased to James Forbes of Auchintovil, his heirs, etc, the third part of the lands of Auchintovil, Awslovn, Wuerhillis and Colfork by way of excambion of the lands of the mill of Auquhorty belonging to James F., and multures and profits belonging thereto, for three years from Whitsunday 1538, the date of his entry, during the life of Marziota and not otherwise; moreover, the parties quitclaim all the tenants of the lands and mill during said space. Lastly, Marziota obliged herself to warrant James F. in peaceful possession of the lands and to cause William Forbes in Carncovle to consent to the excambion. Done at Faterneir as above. Witnesses as in preceding minute. 89 *b.*

256. Instrument narrating that James Twring, assignee of Mariota Seton, of the third of Awsloun Overhillis (*sic*) acknowledged himself fully paid of all the gressums, rents, customs and profits of the same by the said James Forbes for the three years after Whitsunday 1538, and quitclaims him, his heirs, etc., and all the tenants dwelling in said lands. Done within the cemetery of the parish church of Faterneir 18th February 1537. Witnesses, Sir Henry Quhitvellis, Patrick Cristesone, David Rauf and (Sir John Cristesone), notary. 90 *a.*

1538.

257. Instrument narrating that Alexander Guthre obliged himself to pay to William Gareaucht in marriage goods with his daughter the sum of £10 within the space of three years next to come, and one barrel of salmon of £3 Scots, and also to deliver to him the third part of the bear and of the oats growing in the town of Grando, crop of the instant year. Done at the cemetery of the cathedral church of Aberdeen 9th May 1538. Witnesses, Duncan Mar, burgess of Aberdeen, Sir Henry Quhitwellis, chaplain, and Alexander Gareaucht. 90 *a.*

258. Instrument narrating that the burgesses and community of the town or burgh of Kyntor, in a court held there by Henry Forbes, bailie of said burgh, exonerated and discharged John Abell, one of the bailies of said burgh, of all the gressums and rents of time past to this date of the town of Boghedis, and of all others received and intromitted with by him, belonging to the burgh and community in time past; and in token of discharge they requested John Anderson, keeper of the common seal of the burgh, to seal a sufficient acquittance of all receipts by him. Done at Kyntor 13th May 1538. Witnesses, Sirs William Ray, Walter Clark and Henry Quhitvellis, chaplains. 90 *b.*

259. The same day a young man, Alexander Smart, son of the late James Smart, appeared before the said bailie, Henry Forbes, asserting himself to be lawful and nearest heir of his late father, who died last vest and seised in three roods or particates of land lying in the territory of Kintor, on the south side of the same, between the lands of William Baxtar on the east and the lands of John Kelle on the west; in two roods lying between the lands of William Denis on the east and the common way on

the west; and in five roods on the west between the lands of Thomas Cristesoun on the east and the lands of William Chavmer on the west; and in one rood lying between the lands of John Anderson on the east and the lands of John Hauersone on the west; in one other particate of land lying on the south side of said burgh, called commonly Powmallet, between the land of the vicars of the choir of Aberdeen on the east and the lands of John Abell on the west; and in an annual rent of six pennies of the lands of William Smart lying on the north side of the parish church of Kintor; upon which Alexander S. required the bailie to summon an inquest of the most trustworthy of the nearest burgesses, which he did to the number of 15 persons, who with one voice upon their oath say and depone that the said Alexander S. is the lawful and nearest heir of his father, and the bailie at his request passed to the lands and gave possession in usual form. Done on the lands as above. Witnesses, James Keyth, James Thome, William Duf, John Abell, John Rane and John Andersone, officers. 90 *b.*

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260. Instrument narrating that James Banzeaucht, Robert Fergus, bailies of Innerovre, John Vobstair, John Tailzeour and Agnes Blakhall, indwellers and coburgesses of Ennerovre, passed to the personal presence of Archibald Douglas of Glenbarvy and craved from him licence and power to take fuel from his moors and mosses of Kemna where they formerly did so, and this with the leave of the said lord of Glenbarvy as lord proprietor of the lands and not otherwise. Each of them so affirmed and agreed, and the said lord granted them leave. Done near the cemetery of the church of Kemna 31st May 1538. Witnesses, Sir James Red, chaplain, William Foular and John Moyr. 91 *b.*

261. Instrument narrating that James Forbes, apparent heir of William Forbes of Corsindave, and William Styvart of Portertoun personally appeared as procurators of William F. for receiving the tenancy of Auchincloych according to a tack by William (Earl) Marischall made to him; which tenancy, Patrick Molisone, the Earl's officer, gave and delivered to the said procurators and placed them in peaceful possession. They also, at the request of Alexander Keyth of Auquhorsk, consented to the acquittance of the Earl as long as William Forbes his assignee and tenants are not disturbed in the peaceful possession of the tenancy. Done at Auchincloych 12th June 1538. Witnesses, Arthur Forbes, Duncan Keyth and Sir Henry Quhitvellis. 91 *b.*

262. Instrument narrating that John (*sic*, but probably Patrick) Haburne, prior of St. Andrews, and David Fayrlie, prior of the monastery of Monimvsk, each exonerated the other of all dues owing by the one to the other, and specially as to the intromission by Sir David of all accounts and receipts in time past of the fruits of the priory of St. Andrews in the time of his predecessor, and the receipts by him of the bishopric of St. Andrews at the time of the see being vacant; and of the receipts and intromissions by the prior of St. Andrews of Sir David's goods in whatever places, and this in a public court or legally but not in the court of heaven ("*foro poli*"). Done at St. Andrews in the chamber of the prior of St. Andrews 5th July 1538. Witnesses, Patrick Kynard, James Lame and Master John Gairdinar, notary. 92 *a.*

[*Four and a half pages, blank, follow.*]

263. Instrument narrating that William Forbes, apparent heir of Thainstoun, and Agnes Gordoun, his spouse, compeared personally within the territory of the town or burgh of Kintor in presence of John Abell, bailie of the same, and resigned six roods of their lands lying on the north side

of the town between the lands of Alexander Chavmer on the east and the lands of Thomas Scherar on the west; two roods of their lands lying between the lands of Thomas Scherair on the east and the lands of holy rood or holy cross on the west: two other roods lying between the lands of the chaplains of the choir of Aberdeen on the east and the lands of Alexander Chavmer on the west; and other two roods of land on the south side of said burgh between the lands of the holy rood on the east and the lands of Thomas Scherair on the west,—into the hands of John Abell, one of the bailies of the burgh, and requested him to give possession of the lands to Fergus Davidson in free burgage, which the bailie did in usual form. Done on the lands 22nd August 1538. Witnesses, Sir William Pendrecht, William Baxter, William Duf and John Anderson, officer. 94 *b.*

264. Lastly, William Forbes resigned an annual rent of 30s. in the hands of the said bailie in favour of Abraam Smart, his heirs and assignees, to be held in free burgage for a penny of outtoll; and the said bailie entered Abraam in possession of the said annual rent of lands lying on the north side of said burgh between the lands of Henry Jamesone on the north and the lands of William Baxtair on the south, paying a penny of intoll. Done as above. Witnesses as in preceding minute. 94 *b.*

265. Instrument narrating that the foresaid William Forbes delivered to Fergus (Davidson), his heirs, etc., a charter and precept made, signed and sealed by himself of the before noted 12 roods of land to be held in free burgage; and he obliges himself to seal and subscribe other charters and evidents should the above not be sufficient. Done within the cemetery of the church of Kinkell 29th September 1538. Witnesses, John Abell, bailie, Sir Henry Quhitwell, William Baxter and John Andersone, officer. 95 *a.*

266. Instrument narrating that Alexander Chavmer of Balnacrag, within the territory of the burgh of Kintore, resigned four roods of his lands lying on the south side between the lands of John Abell on the west and the lands of Alexander Chavmer on the east, and four roods of his lands lying on the north between the lands of Thomas Sherair on the west and the lands of the holy rood on the east,—into the hands of John Abell, one of the bailies of said burgh, requiring him to give possession to William Chavmer in Cragquhorty, which the bailie did in usual form. Done on the lands 25th July 1538. Witnesses, John Abell, Alexander Chawmer, Thomas Chawmer, Duncan Chawmer, William Duf, John Rane and John Andrew. 95 *a.*

267. The same day Alexander Chavmer of Balnacrag appeared personally upon the ground of five roods of his lands lying in the burgh of Kintoir on the south side lying between Alexander's lands on the west and the lands of Andrew (Chavmer) on the east, and resigned these lands and an annual rent of 6s. 8d. to be uplifted yearly from his lands called the "Gwis croft" lying on the north side of the burgh, into the hands of John Abell, one of the bailies, by earth and stone and one penny of "outtoil" in favour of Andrew Chavmer in Fintra, his heirs, etc., to whom the bailie gave possession in the usual form and by medium of one penny of "intoil." Done on the lands as above. Witnesses, Master Duncan Chavmer, rector of Furve, Sirs Walter Clark and William Chavmer, chaplains. 95 *b.*

268. The same day William Chawmer in Cragquhorty and Andrew Chavmer in Fintra obliged themselves as follows, that although Alexander Chavmer of Balnacrag alienated the above lands, expressed in the (two) preceding protocols, in their favour and resigned the same, yet if Alexander C., his heirs or assignees on one day between the sun rising and setting,

upon the altar of St. Mary of Kintoir shall pay to William Chawmer the sum of £36 Scots, after 40 days' warning at his place of habitation or in the parish church on Sunday or feast days, with a letter of tack of the lands made sufficient for the space of three years after the redemption for the yearly sum of 36s. and ten "pultre," and in like manner to Andrew Chavmer the sum of £20 : 13 : 4, with letter of tack of the above five roods for the space of three years, paying yearly for that space as rent 14s. and six "pultre," then (the said William and Andrew shall) renounce and freely deliver from them, their heirs, etc., the said lands and annual rent to Alexander C. and shall deliver evidents, so that after payment of said sums, neither they nor their heirs may claim any right except to the letters of tack. Moreover, if William and Andrew refuse the money then the said sums and letters of tack may be consigned in the hands of the vicar of Kintoir for their use and behoof, and Alexander C. shall have free ish and entry. Done as above. Witnesses as in preceding minute. 95 *b.*

269. Instrument narrating that David, prior of the monastery of Monimvsk, passed to a certain dyke ("fossam") lately built by Robert Lummisdane and his tenants of Ester Foulis, between Ester Fowlis and the town of Wester Fowlis, and he asserted the dyke was upon the land and common pasture of Wester Fowlis belonging to the monastery; wherefore lest in future the dyke should be held as a limit or march between said lands, the prior by way of interruption threw down to the ground two or three turfs. Done at the dyke 19th August 1538. Witnesses, Master John Elphinston, rector of Innernochty, Sir Alexander Shand, Duncan Davidsone and Patrick Cromme. 96 *b.*

270. Instrument narrating that David, prior of Monimvsk, passed to the personal presence of James Forbes of Auchintovil, and with due instance, required the delivery to him of his teind sheaves of his manor of Auchintovil whole and uneaten by his cattle, and that he would suffer him to lead the same. James declared he had not led the stock, for which reason he was not bound to deliver the teind sheaves, because if the prior wished to intromit with the teinds he is not bound to answer him in future for his teind sheaves. The prior asserted that he was ready with his servants and horses to lead the teind sheaves, because if they incurred damage in future he protested for remedy of law. Done at the manor place of Auchintovill 19th September 1538. Witnesses, Master John Patersone, Duncan Davidsone, John Makke and Patrick Cromme. 96 *b.*

271. The same day James Forbes of Auchintovil acknowledged that he had intromitted with two horses belonging to said prior at the time of the leading of the said teinds of Auchintovill, and that for reasonable causes, as he asserted and specially in arrestment for fines due to him by the prior for absence from his courts for his tenancy of Blairdaf which the prior held from him in tack; which horses he offered to the prior if he would find cautioners sufficient to answer him in those matters he has against him. The prior asserted that he had incurred the sum of £40 by a certain contract and decreet arbitral betwixt them; and lastly, he protested solemnly as to spoliation and remedy at law. Done as above at the hall of Auchintovil. Witnesses as in preceding minute. 97 *a.*

272. Instrument narrating that Alexander Chavmer of Balnacrag resigned an annual rent of 15s. of his lands lying on the south side of the burgh of Kintore between the lands of John Abel on the west and the lands of William Chavmer on the east, in favour of the said John Abell, to be held in free burgage, into the hands of Henry Forbes, one of the bailies of said burgh, paying a penny of "outtoill"; upon which resignation the bailie gave possession of the annual rent by a penny of "intoil." Done on the ground of the lands 14th October 1538. Witnesses, James

Chawmer, Andrew Chawmer, James Thome, Alexander Smart and John Rane, officer. 97 *a.*

273. Instrument narrating that William Elphinstoun of Glak passed to the personal presence of Alexander Leslie of Petcapill and required him to redeem and to receive the goods and beasts belonging to him taken by William upon his grazings of Glak; which beasts were then upon the land and grazings where they were formerly taken, as he asserted, and he offered the animals to Alexander on his doing to him for them according to the custom of the country and what he is bound to do by the law and custom of the kingdom in like cases. Done upon the ground of the lands called "Blakinchis" 8th October 1538. Witnesses, the rector of Innernochty, William King, Master Andrew Lesle, Sir Henry Quhitvellis, chaplains, and (Sir John Cristisone), notary. 97 *b.*

274. Instrument narrating that Archibald Douglas of Glenbarvy personally compeared in the court of the Earl of Huntlie held by John Gordoun, bailie, at "gra stane of Clune," and declared that he did not admit the bailie as judge competent against his tenants of Kemnay arrested in the Earl's forests, specially in Parkwod, but in the forest of Corryne and not otherwise, and although he compeared in court, it was not as admitting the judge but to defend his tenants; and he protested that whatever was done against his tenants of Kemnay or any of them should not prejudice him or them. Done as above 25th October 1538. Witnesses, Robert Inglis, Donald Styvart, Andrew Auchinlek and John Gareaucht. 97 *b.*

275. Instrument narrating that Alexander Skeyne of that Ilk and Mr. Walter Styvart of Tullocht agreed, upon their oaths, to submit to the decreet arbitral of Robert Lummisdane of Madlair, Sir John Carlaill, vicar of Glenbuchat, on behalf of Alexander, and of Robert Forbes of Echt and Mr. David Makesone, vicar of Peterrugy, on behalf of Mr. Walter, with Alexander Burnet of Leis as oversman, concerning a disputed piece of land lying between the burn of Ordemechell on the west side of the lands of Tullo and the "holing busk" (holly bush) near Auchtmoyr, and as to the question "of the said pece land and quhat possessione athir of the saidis parties hes beyne into in tyme bigane," the arbiters to appear on the ground on this date, and to give their sentence betwixt this date and "the vigill of the nativite of our Lord." Not more than twelve witnesses on each side are to be produced "and as few as thai vill." Done on the land in dispute 2nd November 1538. Witnesses, Master David Makkeson, Sirs William Davidson and David Reche, chaplains, and William Styvart of Porterstoun. 98 *a.*

276. Instrument narrating that the above arbiters with oversman took upon them the burden of decision and examined the witnesses produced by the parties. Decreet was to be given on 11th December next with consent of parties. At Midmar. Same date as above. Witnesses as in preceding minute. 98 *b.*

277. The same day Alexander Skene of that Ilk (with consent of James Skene, his uncle and curator) and Mr. Walter Styvart, obliged themselves as to the above arbitration anent the "landis lyand betuix the Tullocht one the west betuix the burne of Ordemechell and the holing busk besyd Auchtmoyr one the est part of the landis of Tullebrollocht," that if the land is decerned to belong to Alexander Skeyne as a pertinent of Tullebrolloch he shall (with consent, etc.), give licence and "fre pasturing to the said Mr. Walter his ayris and assignay and his tenentis gudis sa lang as he or thai hes the said toune of Tullocht in heretage or assedatione, within the said debatable landis without interruptione or impediment," and if the land is adjudged to Mr. Walter Stewart as a

pertinent of the Tulloch he shall give free pasture to Alexander S., his heirs, etc., and his tenants of Tullebrolloch in the disputed ground so long as Mr. Walter has the Tulloch. Providing that the licence of pasturing shall not be prejudicial to the Laird of Abergelde for his interest, nor to Alexander S. or his heirs. Done at the burn of Ordmechell as above. Witnesses as in minute No. 275. 98 *b.*

278. Instrument narrating that the above named arbiters with oversman, by consent of parties, continued their decreet arbitral to 12th February next at Mydmar and assigned to the oversman the 1st day of March following for his award. Done at Midmar 11th December 1538. Witnesses, Master Robert Lummisdane, James Forbes, Sir David Reche and (Sir John Cristisone), notary. 99 *a.*

279. Instrument narrating that Margaret Rane in Foulislie gave and granted to Duncan Rane, her brother german, her licence and power or property ("*licenciam et facultatem*") of four oxgangs of the tenancy of Foulisle, and renounces all title and claim; for which Duncan on his oath promises to her due sustentation in food and clothes while he is able to earn them, and to pay her within two years or sooner at the request of Alexander Duncan the sum of 5 merks Scots. Moreover, he promised to her one house with yard to inhabit yearly and to sow for her yearly in the territory of said town of Foulisle in the "fauld" called "Athra," three firlots of oats, and in the "avauld" three firlots of oats and the "fourt crope" one boll of oats and two pecks of bear within "beyr Athra" so that it be not in the "owtting" with "hir awne myk and guding of beyr land," and this with his own grain, ay and yearly till the said Margaret shall have better profit, by advice of Alexander Duncan; and so long as Margaret shall hold the said house and sowing she shall find one to reap the ground in harvest, *i.e.*, "ane hwik to scheir." Done at Aberdeen 27th November 1538. Witnesses, William Toucht, Alexander Mill and William Moresone. 99 *b.*

1538-1539.

280. Instrument narrating that Archibald Douglas of Glenbarvy and Agnes Keyth, his spouse, explained that they received certain missive letters from the king to give their consent to a son of the Laird of Done (Dun) as rector of Glenbarvy. The said Archibald asserted he was under ward of the king, and Agnes, uncompelled by her husband, protested for time and place fitting and they craved instrument; and they protested that their consent to said rector so delivered should not prejudice them. Done at Kemnay 25th February 1538. Witnesses, Sir James Red, chaplain, and Patrick Forbes. 99 *b.*

281. Instrument narrating that Patrick Forbes compeared personally within the territory of the town of Innerovre, and there he resigned four roods of his lands on the west side of the same, lying between the lands of John Banzeaucht on the south and the lands of John Huchoun on the north; seven roods lying on the east side between the lands of William Vobster on the south and the lands of John Anderson, junior, on the north; and two roods called the "Kill" roods lying between the church lands of Innerovre on the south and the said Patrick's lands on the north,—into the hands of James Banzeaucht, one of the bailies of said town, in favour of Catrine Ronald, his spouse, during her life: upon which resignation the bailie gave sasine to Catrine, reserving the franktenement to said Patrick. Done on the lands 13th March 1538. Witnesses, Sirs David Zungar, Henry Quhitvellis, chaplains, John Huchone, Robert Andrew, John Robertsone, officer. 100 *a.*

1539.

282. Instrument narrating that Duncan Elmslie, with consent of James Forbes, acknowledged that he had intromitted with the grain which grew in the

"Spotte haucht," arrested at the instance of the said James Forbes and belonging to him as tenant of Tullo and not to himself as tenant of Auquhorst; and that he craved from him the said grain which he gave. Done within the parish church of Monimvsk 23rd May 1539. Witnesses, Sir John Red, vicar, William Forbes in Keig, and Alexander Robertson. 100 *a*.

283. The same day, David, prior of Monimvsk, set and leased to Arthur Forbes that tenancy of 8 oxgangs which he occupies, for the whole space of one year after Whitsunday 1539, which shall be his entry, he paying due and wont, but without grassum; for which tack Arthur renounces his right and claim of the tenancy and all action which he has or may have after the lapse of the tack or in future; and he promised to leave the same to the prior void and redd at Whitsunday 1540. Done in the hall of the monastery of Monimvsk as above. Witnesses, John, Lord Forbes, Masters Alexander Spittall and Alexander Forbes, rectors of Clat and Forbes respectively, and Sir John Carleil, vicar of Glenbuchat. 100 *b*.

284. Instrument narrating that Henry Jamesone, within the territory of the burgh of Kintoir, resigned one rood of his lands lying on the north side of Kintoir between the lands of John Myll on the south and the lands of Holy Cross on the north into the hands of Henry Forbes, one of the bailies of the burgh, in favour of John Abell, junior, his heirs and assignees, to be held in free burgage, paying thence yearly 30 pence of annualrent to Alexander Chavmer, his heirs, etc., and to the king the burghal rent due and wont; upon which resignation the bailie gave possession to John Abell. On the land 17th June 1539. Witnesses, William Duf, John Andrew, Fergus Davidson, John Rane, officer. 100 *b*.

285. The same day William Denis, within the territory of Kintoir, resigned two roods called "the haulf of the Kill croft," specially the shadow half of that croft, lying on the south side between the common highway on the north and the burn of Tovak on the south, to be held by John Dennis, his heirs, etc., in free burgage, paying to the king the burghal rent due and wont, into the hands of John Abell, one of the bailies, in favour of the said John Denis, to whom the bailie gave possession. On the land as above. Witnesses as in preceding minute. 101 *a*.

286. The same day John Denis personally bound himself, his heirs, etc., to William Denis, that notwithstanding the latter's resignation of the above lands, if he pays on the altar of St. Mary of Kintoir at forty days' warning the sum of £12 Scots with delivery of a sufficient letter of tack for three years, at a yearly rent of 10s., then John D. will resign the whole lands in favour of William [*etc., in usual form*]; providing that if John D. absents himself, after warning, the money and lease shall be delivered to the vicar pensioner or curate of Kintoir, and William D. shall have free ish and entry to the lands. Done at Kintore as above. Witnesses as in minute No. 284. 101 *a*.

287. Instrument narrating that Sir David Hervy, vicar of Narne, and Andrew Hervy, on the one part, and Thomas Leyth, on the other part, agreed upon Patrick Chawmer and Andrew Chawmer as arbiters betwixt them, with Sir John Cristesone as oversman, in the dispute between them as to the crave of an ox by Sir David and Andrew, and the crave by Thomas of certain marriage goods alleged owing to him by them as executors of their father and of Mr. Gilbert Hervy, their brother german, and other debateable matters, the arbiters to meet at Monicabak. The arbiters accepted, and issued their decreet arbitral as follows, with consent of parties; "that the said Thomas Leitht sall conweyne at the Kirk of Fintra upone ane Sonday betwix this and lammes nixt cumis in tyme of

the he mes befoir the parochinaris in presens of Andro Hervy and sall cum to hyme and sa thir vourdis eftir follovand, guidman and broider, ze have lukit dovne one me and hes beyne dry to me throcht certane vourdis of displessour I spak of zow at this Kyrk in my crab, beyne movit of angyr heyrfoir sic thingis sall nocht be amangis freindis in my defalt. Gif I have failzeit in ony behaulf I requeist and prais zou to resave me in kindnes and remit all displeasouris betwix us and tak me be the hand and stand in afauld kindnes and in takyn thairof all displesoris that hes beyne betwix zou and me I remyt and forgiffis." The arbiters also decern Sir David and Andrew H. to remit the claim of "the said oxin depending in the consistorie," and also Thomas Leitht remits all claim and right of "mareage geyr" and claim of "Vxx" bolls of oats alleged to be owing to him by Mr. Gilbert Hervy, and all other claim against the executors, and he shall pay to Mr. John Bell for costs in the consistory the sum of 3s. Each party discharges the other of all pleas in time by gone under penalty of the party failing, paying to the other the sum of £10 Scots of expenses. Done and subscribed at Monicabak 24th June 1539. Witnesses, Malcolm Wavane, Thomas Mathovsone, John Reche, William Vatsone, Thomas Vatsone. 101 *b.*

288. Instrument narrating that Alexander Leslie of Kincragy asserted that this day was appointed to him as a peremptory day between him and John Stratauchine in Kincragy according to an agreement made by Mr. Thomas Annan ; for which reason he declared himself ready to adhere to the decree arbitral contained in the agreement on said day and not otherwise, and on account of the want of the agreement and because the arbiters named in it will not accept the burden of decision without it, he asserted it was deserted in itself; and the said John S. declared himself ready to fulfil all things contained in the agreement and that the arbiters had power to continue their decision to the feast of St. Michael. Done in the Chapel of Gareaucht 12th August 1539. Witnesses, Patrick Leyth, Alexander Leslie of Kyninve, John Leslie, younger of Boquhane, and Master Alexander Straquhyn. 102 *b.*

289. Instrument narrating that Mr. Duncan Chavmer, rector of Furvy, declared that he had a tack of the lands of Balbethane and Hedderveik to himself in liferent made by a certain Abbot of Londoris and convent of the same, and he solemnly protested that the infeftment or alienation of the Abbot of Londoris and convent to John Chavmer, David Chavmer and Elizabeth Chavmer of these lands should not prejudice in future his right during his life nor the sasine given to him in liferent. Done at Balbethane 19th November 1539. Witnesses, Master Dionysius Chavmer, Alexander Chavmer of Balnacrag, James Chavmer and Sir Henry Quhitvellis, chaplain. 103 *a.*

1539-1540.

290. Instrument narrating that Archibald Douglas of Glenbarvy and Agnes Keyth, his spouse, compeared personally upon the lands of the manor of Kemnay, holding in their hands letters in the form of a precept of sasine of the lands of the barony of Kemnay annexed to the barony of Glenbarvy, directed from the royal chancery, made to the said Archibald and Agnes, David Styvart being named as bailie ; by virtue of which they requested him to execute the letters. He then passed to the lands and inducted the said Archibald and Agnes into possession of the barony of Kemnay. Done at the manor place of Kemnay 7th February 1539. Witnesses, Patrick Forbes, Robert Inglis and Alexander Forbes in Miltone Kemnay. 103 *a.*

291. Instrument narrating that James Malesone *alias* Barroun leased, during his own liferent, to Patrick Malesone, his heirs, etc., his whole lands of five roods with houses, etc., of which four roods lie in the territory of

the burgh of Kintoir on the west side, between the lands of Thomas Scherar on the west and the lands of the holy rood on the east, and one other rood lying between the lands of John Myll on the west and the lands of William Alexander on the east, with yards, buildings, etc., and that for a certain sum of £10, which he acknowledges to have received from the said Patrick, and discharges him and his heirs, etc.; the said Patrick paying to the king the burghal rent due and wont. James also during his life warrants the lands to Patrick. Done at Varderis in the house of said Patrick 9th February 1539. Witnesses, Alexander Gareaucht, William Criste, John Malesone, John Eldar, William Mvkart and (Sir John Cristisone), notary. 103 *b.*

292. Instrument narrating that John Gareaucht, on the one part, and Alexander Gareaucht, his brother german (on the other part), desiring, as they assert, to avoid the difficulties of the law and to agree to prevent litigation as to the demand by Alexander from John of the sum of 12 merks granted to him by John and owing, as he asserted, by reason of claim of the goods of the late Mr. John Gareaucht, wherefore John G. promised to pay to Alexander 20s. within a year and day next following and sooner if necessary, or at least to relieve Alexander at the hands of Fergus Davidson of the same sum of 20s. for iron bought by A. from a merchant of Dundee; for which sum Alexander discharged John of all claim to the above 12 merks. And John leased to Alexander the service of the office of clerkship of Kemnay and appointed him his clerk depute for a whole year next following, while Alexander promised to deliver instantly to John a bullock formerly bought by him. Done at Kemnay 14th February 1539. Witnesses, Archibald Dowglass of Glenbarvy, Sir James Red, Robert Ingliss, William Foular and Thomas Cromme. 104 *a.*

293. Instrument narrating that Alexander Gordoun, formerly of Strathoun, and Jonet Grant, his spouse, compeared personally upon the ground of the lands called "Ley of Tullechado" holding in their hands letters in the form of a precept of sasine made to them in liferent, directed from George, Earl of Huntlie, to Alexander Gordoun of Sauchyne, as bailie, to whom the parties presented the letters, requesting him to execute the same. The bailie passed to the lands of "Ley of Tullechavdo" within the "Wodsted of Corryne" and placed the said Alexander and Jonet in possession in liferent of the lands. Done 1st March 1539. Witnesses, Master William Gordoun, rector of Arbuthnot, John Seitoun, Alexander Mill and John Sheres. 104 *b.*

294. Instrument narrating that Alexander Gordoun, formerly of Strathoun, and Jonet Grant, his spouse, and Alexander G., their son and apparent heir, compeared upon the ground of the lands of the Mains of Cluny, Parkhill, Parkvod, Mill of Clune, Skuperty, Litill Sauchyne and mill thereof, lying in the barony of Clune and sheriffdom of Alerdeen; also upon the lands of Davane, Logy, Brvmhill and the fourth part of Vestoun and mills of the same, lying in said sheriffdom, and Colquhoddilstan, lying in the lordship of Huntlie and said sheriffdom; also of the half davoch of lands of Blairfindie, in the lordship of Strathoun and sheriffdom of Banff, holding in their hands letters in the form of a precept of sasine directed from George, Earl of Huntlie, to the said Alexander G. and Jonet, his wife, in liferent, and to Alexander, their son, and his heirs male, whom failing to the heirs male of the said Alexander G. of Strathoun, whom failing to revert to the said Earl of Huntly and his heirs, to be held of said Earl and his successors in free blench; which letters were presented to Alexander Gordoun of Sauchyne as bailie, who, as requested, gave possession to Alexander and Jonet in liferent and to their son (in fee) of the Mains of Clune, Parkhill, Parkvod, Mill of Clune, Skeperty, Litill Sauchyne and mill of the same, with common pasture in and through the whole forest of Corryne, and Davane, Logy, Brvmhill, fourth part of

Westoun and mill thereof, lands of Litil Colquhoddilstane, with common pasture for all animals in said lands, etc., being in the forests of Kilblene and Mortoun, also the lands of Blairfinde with fishings, etc., in the usual form. Done at the barony of Cluny 1st March, at Davane, Logy, Brvmhill and Vestoun, and Litill Colquhoddilstan 3rd March, witnesses, Master William Gordon, Patrick Cragmill, John Seton, William Brown; and at Blairfinde 5th March 1539, witnesses, the said Master William Gordoun, John Grant of Colcabok, John Styvart and David Moreson. 104 *b.*

295. Instrument narrating that Alexander Gordoun of Strathoun passed to the personal presence of George, Earl of Huntlie and required him to eject Mr. Alexander Straquhyne, David Straquhyne, William Straquhyne, and others whomsoever named Straquhyne, from the tenancies of Clune and Park at Whitsunday next following, as he was held bound according to the contract betwixt them, so that Alexander shall have free ingress to the tenancies; and Alexander protested for remedy of law if the Earl should do otherwise. Done at "Kardane" 18th March 1539. Witnesses, Archibald Dowgless of Glenbarvy, Alexander Gordoun of Sauchyne and Patrick Cragmyll. 105 *b.*

296. Instrument narrating that James Malesone *alias* Barroun resigned the same lands as described in No. 291 into the hands of John Abell, one of the bailies of the burgh of Kintore, in favour of Thomas Chavmer, during the life of said James in liferent, whom failing, of Margaret Malesone and Isobel Malesone, two daughters of James, and the survivor of them, whom failing of the heirs of the said Thomas Chavmer in liferent for the life of the said James; upon which resignation the bailie gave possession to Thomas C. and others as above. And this for the sum of 12 merks Scots paid to James M. in his necessity by Thomas C., whom, and his heirs, etc., James fully discharges. The same day the said James and Thomas publicly acknowledged that James Keyth has the same lands in lease for five years from Whitsunday 1539, and they promised to warrant his tack. Done on the lands 23rd March 1539. Witnesses, Sir William Chavmer, Sir Henry Quhitwellis, chaplains, William Duf, James Thome, John Rane and John Andrew, officers. 105 *b.*

1540.

297. Instrument narrating that John Abel, bailie in that part of John Leslie of Vardaris, in terms of a precept, passed to the lands of Litil Kynavde and there inducted Alexander Keyth in Auquhorsk and Margaret Crushank, his spouse, and the longer liver of the two, and James Keyth, their son and apparent heir, and Christine Leslie, his spouse, into possession of said lands, by rope and thatch, as in precept. Done on the lands 21st May 1540. Witnesses, Sir Stephen Glesfurd, Andrew Makke, John Ray, William Robertson and William Gilruyf. 106 *b.*

298. The same day the said John Abell, in terms of a precept by William, Earl Marischal, made to Alexander Keyth in Awquhorsk and Margaret Crushank and the survivor, passed to the lands of Auquhorsk and gave possession to them of said lands by rope and thatch, and gave sasine of the liferent of the lands. Done as above. Witnesses, Master Robert Davidsone, Sir Stephen Glesfurd and Gilbert Keyth. 106 *b.*

299. Instrument narrating that Sir John Reid, vicar of Monimvsk, and Andrew Gardyne compeared personally, alleging that by mutual consent they had agreed to adhere to the award of certain persons chosen by them concerning the decision of matters in dispute between them, and that this day was the day and term appointed to them to meet with their arbiters at the Chapel of Gareaucht as provided by the instrument by Mr.

Laurence Cheyne, notary; which parties asserted they were ready to abide by the decreet of their chosen arbiters, and Sir John Reid passed to the personal presence of Duncan Straquhyne and William Zung and asked them to take upon them the burden of decision on his behalf, who acknowledged they were ready to do so; and he solemnly protested that the absence of arbiters for the said Andrew should not prejudice his right, and that the agreement between them should in future be of no effect. The said Andrew asserted that the arbiters chosen by him were unable to compear that day for reasonable causes, to be shown at fitting time and place, and he likewise protested that it should not prejudice his right. These things were done near the cemetery of the Chapel of Gareaucht 1st May 1540. Witnesses, Alexander Pattoun, Duncan Straquhyne, William Zung, Sir George Gardyne, notary, and (Sir John Cristisone), notary public. 107 *a.*

300. Instrument narrating that John Leslie, younger, grandson of William Leslie of Boquhayne, compeared upon the ground of the manor of Bolquhane, holding in his hands a precept of sasine of the barony of Bolquhane with tower, mills, woods, etc., directed from the King's Chancery; which precept he presented to John Carnegy, heir apparent of Kynnard, as bailie, desiring the same to be put to execution. After being read by the notary, the bailie passed to the manor place of Balquhane, in the regality of Gareaucht and sheriffdom of Aberdeen, and placed the said John Leslie in possession of the lands of the barony of Balquhane and gave sasine in usual form. Done 18th June 1540. Witnesses, William Leslie of Bolquhane, Sirs Robert Chavmer and Stephen Glesfurd, chaplains, William Leslie and George Leslie. 107 *b.*

301. Instrument narrating that John Chavmer in Balbuthane, David Chavmer and Elizabeth C., wife of David, compeared personally, holding in their hands a precept of sasine in feu farm of the lands of Balbuthane and Hedderwick made by the Abbot and convent of the monastery of Londoris, directed to Alexander Leslie of that Ilk, whom the parties required to execute the precept. The bailie passed to the lands of Balbuthane and Heddervik, lying in the lordship of Fintray and sheriffdom of Aberdeen, and gave possession in usual form. Done on the lands 25th June 1540. Witnesses, John Abell, Sir Stephen Glasfurd, chaplain, James Chavmer, Henry Lany and (Sir John Cristisone), notary public. 108 *a.*

302. Instrument narrating that David Brvis of Kynnard solemnly appointed Ninian Brwis, his son and heir apparent, his assignee in and to the sum of 350 merks owing to him by Alexander Hwyme; for which sum Mr. Thomas Cranstoun and Andrew Mowbra acted themselves in the consistorial books of Lothian as cautioners for Hwyme, the said Ninian to receive the sum, give acquittance, etc., and do all other things the granter could have done; provided, however, that after receipt of the 350 merks Ninian shall deliver the same to Jonet Brwis, his sister, when she is at a marriageable age. Ninian faithfully promised to implement the above terms, otherwise the granter would not appoint him. Done at Craggowre 10th July 1540. Witnesses, Sirs William Davidsone, notary, and David Reche, vicar of Midmar, William Shankis and (Sir John Cristisone), notary public. 108 *b.*

303. Instrument narrating that Duncan Stratauchyne in Petmony, for himself, his heirs and assignees, resigned all claim or property he had or can have in or to the lands or croft commonly called the "Lurg," lying on the south side of the parish church of Midmar, in that parish and sheriffdom of Aberdeen, into the hands of Thomas Charteris of Kinfavnis as in the hands of the overlord, to remain with Thomas C. and his heirs, etc., for ever. Moreover, Duncan promised to require Alexander

Crwshank to appoint procurators for resigning the lands into the hands of Thomas C. because Alexander alienated the lands to James Stratauchyne, father of Duncan, by charter and precept of sasine given by him to James S. If Alexander C. will not appoint procurators to resign the lands then Thomas C. promised to procure letters of citation or summons against Alexander to cause him to do what he is bound in law to do. Duncan S. also promised to ratify, etc., and to do according to law, because he acknowledged he had received from Charteris the sum of £10, of which he duly discharged him, his heirs, etc. Done as in the preceding protocol at Craggowre 10th July 1540. Witnesses, David Bruis, Ninian Bruis and (Sir John Cristisone), notary. 109 *a.*

304. Instrument narrating that Andrew Fraser, elder of Stanevod, and Andrew Fraser, his son, personally compeared in the Sheriff Court of Aberdeen held by William Rolland, sheriff depute of Aberdeen, near the town of Drumnahoy, upon a certain land in dispute between the Frasers on the one part and James Gordoun of Abirzelde on the other, concerning cognition of the debateable land, and solemnly protested that because the letters of the king and the sheriff regarding the cognition of the land in dispute lying between the land of Drumnahoy on the one part and Kynnarne on the other part were awanting, due to the fault of the sheriff, it should not prejudice their rights, and they craved process. Mr. John Fraser, procurator for the two Frasers, asked instrument. Done on the disputed lands 19th July 1540. Witnesses, Master Duncan Forbes, Andrew Hervy and Sirs David Reche and Stephen Glesfuird, chaplains. 109 *b.*

305. Instrument narrating that Archibald Douglas of Glenbarvy and John Leslie of Varderis faithfully promised to meet upon the debateable land between Locharrell and Creche on the 11th day of September next, and there to agree upon certain friends and abide by their counsel as to deciding upon the lands. Done near "Blakpot" 26th July 1540. Witnesses, Alexander Lesle of that Ilk, Patrick Forbes, Andrew Auchinlek and Sir James Reid, chaplain. 109 *b.*

306. Instrument narrating that Sir David Reche, vicar pensioner of Midmar, appointed Patrick Bissait, son of John Bissait in Lauchtsanze, his assignee in and to the croft called Dera croft, lying on the south side of the parish church of Midmar, and to the sum of £20 secured on the croft for the remainder of his tack of 19 years, and this during the life of Jonet Reche, affianced spouse of said Patrick, and not otherwise. Reserving the frank tenement of the croft to Sir David for life. Done within the cemetery of Midmar [*date not given*]. Witnesses, Patrick Forbes in Milton, Robert Inglis and (Sir John Cristisone), notary. 110 *a.*

307. Instrument narrating that Alexander Rogeir, son of the late Fergus Rogeir, compeared personally in a court of the burgh of Kintoir held by John Abell, one of the bailies, whom he humbly requested to give him an inquest of trustworthy coburgesses, if he were the lawful and nearest heir of the late Fergus, his father, who died last vest and seised in two roods of lands lying within the territory of Kintoir on the north side of the burgh between the lands of the holy cross on the east and the lands of James Thomson on the west. The bailie immediately called together an assize of trustworthy burgesses, who, being sworn, declare that the said Fergus died last seised in said lands and that Alexander Rogeir is lawful and nearest heir of the lands. Lastly, Alexander R. required the bailie to deliver to him possession of the two roods, which was done in usual form. Done 25th October 1540. Witnesses, Master Duncan Chavmer, rector of Furvy, James Keyth, William Duff, and John Rane and John Anderson, officers. 110*a.*

308. The same day John Rogeir, procurator for his mother, protested that the delivery of the said two roods given to Alexander Rogeir should not prejudice the right of his mother during her life. Done on the lands. Witnesses as in preceding minute. 110 *b.*

309. Instrument narrating that in a court of the sheriff of Aberdeen held near Drumnahoy there was continued the Sheriff's precept concerning the cognition or decision of certain lands in dispute between Andrew Freser of Stanevod and (James) Gordoun of Abirzelde, with their consent, until the 15th March in all its points. Done near Drumnahoy, in court, 27th October 1540. Witnesses, Master David Nicholsone, Sir William Davidsone, John Kennarte and (Sir John Cristisone), notary. 111 *a.*

310. Instrument narrating that John Forbes in Eglismanichto required David, prior of Monimvsk, to give him an answer to a certain schedule or writing of supplication of the King delivered by him, as he asserted, to the prior, as he wished to reply to the King. Done in the Tolbooth, Aberdeen, 30th October 1540. Witnesses, William Rolland, sheriff, Master David Nicholsone and John Kennarte, notaries. 111 *a.*

311. Instrument narrating that Alexander Forbes of Tolleis acknowledged that he had received from Alexander Gordoun of Strathoun, assignee of George, Earl of Huntle, the sum of 180 and 10 merks in complete redemption of the lands of Tullemair, lying in the lordship of Toucht and sheriffdom of Aberdeen, and discharged and quitclaimed the said Alexander, renouncing all right and claim to the lands for ever. Done at Toucht 9th November 1540. Witnesses, Master William Toucht, Sir Thomas Mvkart, chaplains, John Gordon of Halhed and Robert Troupe. 111 *a.*

312. Instrument narrating that John Kelle, junior, resigned two roods of his lands within the territory of the burgh of Kyntoir (of which one rood lies between the lands of Alexander Smart on the east and the lands of Thomas Chapman on the west, and the other rood lying between the lands of Alexander Chawmer on the east and the lands of Andrew Evyne on the west) into the hands of John Abell, one of the bailies of said burgh, in favour of Thomas Adamsone *alias* Myll, his heirs, etc., to be held in free burgage. The bailie, at the request of Thomas A., placed him in possession of the lands. Done on the lands 24th November 1540. Witnesses, James Keyth, Fergus Davidson, James Thome, William Duf, John Abell and John Andrew, officer. 111 *b.*

313. The same day Fergus Davidson (*Cf.* No. 263) protested that the above delivery of sasine to Thomas Adamson of the two roods should not prejudice the right of Fergus as to his tack. Done as above. Witnesses as in preceding minute. 111 *b.*

314. The same day Andrew Ewyne resigned five roods of his lands lying in the territory of the burgh of Kintoir,—two roods of which lie on the north side of the burgh between the lands of Andrew Chavmer on the west and the lands of Thomas Sherair on the east; one rood on the south, between the lands of William Alexander on the west and those of Thomas Adamsone on the east; one rood between the lands of John Abell on the south and lands of Alexander Chavmer on the north, commonly called "handland rwyd"; and one other rood on the north between the king's lands on the west and the lands of the friars preachers on the east, into the hands of John Abell, one of the bailies of the burgh, in favour of himself and of , his spouse, upon which resignation the bailie gave possession to Andrew E. and his spouse in usual form. On the lands as above. Witnesses, William Duf, William Quhitret, John Abell, Fergus Davidson and John Andrew, officer. 112 *a.*

315. The same day James Keytht protested that the sasine to Andrew Evyne and his spouse should not prejudice his right. Done as above. Witnesses as in preceding minute. 112 *a.*

316. Instrument narrating that Robert Smytht, son of the late John Smytht, sold and delivered to John Smytht in Glesso all "novit, scheipe, and monie" ("*boues, oues et monetam*") belonging to him in whatsoever places by reason of property or bairns' portion for the sum of 14 merks to be paid in pennies and pennyworths within the space of five years next to come, and sooner, and as soon as Robert S. shall have the tenancy, to receive the goods and animals for the sum of 14 merks, or otherwise when Robert shall be taken to learn a trade as a "prenteis," to pay the money if necessity requires; all which the parties promised on oath to fulfil. Done at Glesso 3rd December 1540. Witnesses, John Watt, George Smyth and (Sir John Cristisone), notary. 112 *b.*

317. Instrument narrating that William Seitoun of Kilbleyne, upon his oath, obliged himself to William Seitoun in Auchinhuf to resign all his lands of Kilbleyne into the hands of the Laird of Meldrum, overlord of the same, in favour of himself and Isabella Seitoun, his spouse, and the longer liver of them, as soon as William shall be infeft in the lands to be held of the said overlord in liferent. Done at Fetterneir [*date omitted*]. Witnesses, Henry Seton, John Reche, John Curre and (Sir John Cristisone), notary. 112 *b.*

318. Instrument narrating that Alexander Gordoun of Strathoun for himself and Alexander G., his first born son, and Andrew Fraser of Stanevod for himself and Andrew Freser, his first born son, agreed as follows:—They agree and submit to abide by the decreet arbitral of any two of Mr. William Gordoun, chancellor of Murray, George Gordoun of Schewes, John Moyr Grant of Colcabok, John Gordoun of Lungar or William Gordoun of Crag, on behalf of Alexander G., and of any two of Alexander Freser of Phillortht, Alexander Irving of Drum, George Crafurd of Fredrat, William Wrre of Petfeche or Alexander Freser in Clyntertay, on behalf of Andrew F., with George, Earl of Huntlie, as "odman," they being sworn to decide "tuechand the cognitioun of the debatable landis lyand betwix the park of Clune and Skuperty one the tane part and landis of Mvkail and Drumnahoy one the wder part"; two of the arbiters on either side to convene upon the debateable ground on 20th June next, and the decreet to be given within the year and day next to come. The party failing to observe this agreement is to pay to the other party 500 merks of expenses within 40 days after failure, while the debateable land was to remain unoccupied "and na new nouatioune to be maid quhill the decisioun be knawne." Done within the "Park wod" 30th December 1540. Witnesses, Alexander Gordoun of Sauchyne, William Wrre of Petfeche, Patrick Cragmyll, John Bissait and Sir William Davidsone, notary. 113 *a.*

1541.

319. Instrument narrating that James Allansone, sound of mind and intellect, knowing that nothing is more certain than death or uncertain than its hour, willing therefore by God's grace to make his testament lest there may be discord between his children or kin: First he bequeaths his soul to God. He quashes and annuls the testament made by him before Mr. Alexander Dalloquhy, notary, and the legacy bequeathed by him to Thomas Allansone, his late son; the half of the residue of his goods, deducting his debts, he gives and bequeaths to Patrick Patersone for the bairns' part owing to the children of Patrick's late mother, which he faithfully promised to pay and to relieve James A. and his executors at the hands of said children; the other half of the residue at the time of

his decease he bequeathed to Sir John Carleil, vicar of Glenbuchat. Item to the vicar of Monimvsk to pray for his soul 20s. Done at Madlatre 3rd April 1541. Witnesses, John Cromme, John Baxtar, Thomas Cromme and James Quisnie. 113 *b.*

320. Instrument narrating that Alexander Gordoun of Strathoun, Jonet Grant, his spouse, and Alexander, their son, compeared personally on the ground of the lands of Cragerne, in the parish of Kemnay and sheriffdom of Aberdeen, holding in their hands a precept of sasine sealed and signed by George, Earl of Huntlie, which they presented to Alexander Gordoun of Sauchyne as bailie, requesting him to execute the same; who immediately passed to the lands of Cragerne and gave possession to Alexander G. of Strathoun, Jonet, his wife, and the longest liver of them in liferent, and to Alexander G., their son and heir apparent, in real possession. Done on the lands 12th April 1541. Witnesses, Master William Gordoun, chancellor of Moray, George Gordoun, James Jhonstone, William Dovne and (Sir John Cristisone), notary. 114 *a.*

321. Instrument narrating that Alexander Freser in Clyntertay, bailie in that part of David, Archbishop of St. Andrews, Abbot of Arbroath, in terms of letters patent in form of a precept of heritable sasine of the lands of Carnbroge, granted to Andrew Freser in feu farm, inducted the said Andrew Freser into possession of the lands of Carnbroge, lying in the parish of Tarwes and sheriffdom of Aberdeen. Done on the lands 26th April 1541. Witnesses, Andrew Freser, John Cromme, James Buchane, Thomas Banerman and (Sir John Cristisone), notary. 114 *a.*

322. Instrument narrating that Alexander Gordoun, elder of Strathoun, Janet Grant, his spouse, and Alexander Gordoun, their son and apparent heir, appeared upon the ground of the lands of Tullemayr, within the barony of Clune and sheriffdom of Aberdeen, (*Cf.* No. 311) holding in their hands a precept of sasine directed to the said Alexander G., elder, and his spouse in liferent and to Alexander G., younger, and his heirs male heritably, from George, Earl of Huntlie, which they presented to Alexander Gordoun of Sauquhyne, bailie, who, after the precept was read by the notary, passed to the lands of Tullemair and gave possession to the said Alexander G., elder, and Jonet Grant and the survivor of them in liferent, and to Alexander G., their son, heritably, in terms of a charter. Done on the lands 28th July 1541. Witnesses, George Gordoun, Patrick Cragmyll, David Straquhyn, Patrick Ryne, Patrick Orum and Sir John Cristisone, notary. 114 *b.*

323. The same day Andrew Freser of Stanevod appeared personally upon the ground of certain debateable lands between Mvkall and Park of Cluny on the part of Andrew on the one side and of Alexander Gordon of Strathoun on the other side, asserting that this day was assigned to the parties by George, Earl of Huntlie, as oversman, in a cause of arbitration by arbiters chosen by the parties as to a decision on the lands in dispute (*Cf.* No. 318). The said Andrew declared he was ready to adhere to the decree of the arbiters, in token of which he passed to the presence of (Alexander) Irving of Drum and (Alexander) Freser of Phillorht and requested them to take the burden of decision in said cause as arbiters on his behalf, who said they were ready to do so, according to the agreement; and he protested that the absence of Alexander Gordon, the adverse party, should not prejudice his right. As above. Witnesses, William Wrrie of Petfeche, William Blakhall of that Ilk, Sirs David Reche and Stephen Glesfurd, chaplains, and Sir John Cristisone, notary public. 115 *a.*

324. Instrument narrating that David Cruschank of Darley, on the one part, and Agnes Meldrum, on the other part, and David and Agnes, executors

of the late Robert Crushank of Tullemorgyne, on the one part, and Alexander Crushank, Robert C., Malcolm C. and Alexander C., younger, on the other part, agreed upon oath to stand to the decreet arbitral of Alexander Keyth in Auquhorsk, John Seitoun of Disblair, Sir Robert Allerdeis, vicar of Auchtirles, and Sir John Cristesone, vicar of Kemnay, and an oversman to be chosen by the arbiters if necessary, as arbiters to decide upon the bairns' part of said persons and the goods of the said late Robert Crushank and upon other debateable matters. Done at Calsalmont 1st July 1541. Witnesses, Alexander Keyth, John Setoun, Sir John Cristisone and Sir Robert Allerdes, who as arbiters accepted the burden of deciding in the above cause and thereupon asked instruments. 115 *b.*

325. Instrument narrating that Mr. John Smovit, although sick in body yet sound in mind, as appeared, made his testament in this manner:—First, he bequeathed his soul to God. Item, he gave and bequeathed to Sir Robert Chalmer, chaplain of Warthill, the whole grain growing upon the two oxgangs of his tenancy of Drumdurno and all beasts being in the hands of William Meyrnis, and also to the same Sir Robert all the "*domicilia*" of his houses freely, and appoints him his executor. He leaves to Jonet Smovit all the grain growing upon the four oxgangs of his tenancy of Drumdernocht and the beasts in the tenancy which labour the same. He also bequeathed to Elizabeth Forbes, daughter of Alexander Forbes, five merks to be paid from the said goods except the household goods. Done in the house of the maker 2nd July 1541. Witnesses, Sir John Curre, chaplain, George Pattoun, Robert Chalmer and Sir John Cristisone, notary. 115 *b.*

326. Instrument narrating that William Davidsoun in Fola compeared personally in a court held there by David Crushank of Darley, bailie of Sir William Siluerr, chaplain of Mekil Folay, in his presence, who offered himself ready to answer in any actions alleged against the said William although he was not duly warned, as he asserted, to compear in court, neither by precept nor by continuation in the court preceding for any action; and because the bailie was sitting in court and the clerk and other members of court not rising, but sitting as a tribunal apparently, for this reason he alleged that the bailie ought not to condemn him in a fine for not compearance in the court and because he compeared at 11 A.M.; and he protested that whatever was done against him should not prejudice him, and for remedy of law. Done at Fola 11 A.M. or thereabout 4th July 1541. Witnesses, Master William Jhonston, clerk to the said court, Sir Henry Quhitvellis, chaplain, John Mechel, Archibald Rait and Sir John Cristisone, notary. 116 *a.*

327. Instrument narrating that Jonet Lummisdane, spouse of James Skeyne in Bandoddil, ratified and approved her seal—obtained and appended to a reversion by the said James S. and herself made to Andrew Freser of Stanevod, and her subscription manual led at the pen, concerning redemption of the lands of Ester Echt and Vuer Corsky, lying in the barony of Stanevod and sheriffdom of Aberdeen; and of the lands of Sawok dennis and Fauhtfedil (Faichfield?), lying in the barony of Kynmunde in said sheriffdom, in special warrandice of said lands—as her own seal appended to the reversion for the sum of XVIII XX merks money and a letter of bailiary and tack of the lands after redemption for the space of five years for the yearly rent contained in said reversion. Done at Mvkall 17th July 1541. Witnesses, Sir Stephen Glesfurd, chaplain, Laurence Glenne, John Mar, Gilbert Chene and Sir John Cristisone, notary public. 116 *a.*

328. Instrument narrating that David Crushank of Darley of his own motive, uncompelled, set and leased to Alexander Crushank, his elder brother

german, that whole tenancy, namely, the sunny half of the lands and town of Brvmehill, lying in the parish of Culsalmond and regality of Gareaucht, in liferent while he lives ; his entry to be at Whitsunday 1542, with the boundaries used and wont, as the labourers of the same now occupy with the wonted common pasture, as long as Agnes Meldrum, the mother of Alexander, shall live ; rendering thence yearly the said Alexander to David, his heirs and assignees, during the life of said Agnes, for rent of the tenancy the sum of 20s. Scots. And after Agnes' decease, David leases the tenancy to Alexander for the latter's life, with the teind sheaves of the sunny half of the town to Alexander in liferent without any rent or payment, holding the tenancy or sunny half of the lands of Brvmehill, beginning at the place called the "hed of the Cat dene" between Tullemorgyne and Brvmhyll, descending to the "thre watter pottis" and thence to "ald town slak stripe" as it enters the Black burn, in property with common pasture used and wont ; for which tenancy Alexander C. renounces all claim or title he has or can have to the tenancy of Tullemorgyne and to the teind sheaves thereof by a tack made to him by the Abbot of Londoris, in favour of David C., his heirs, etc. At [*place left blank*] 21st July 1541. Witnesses, Alexander Keyth, John Seitoun, Alexander Crushank and (Sir John Cristisone), notary public. 116*b*.

329. Instrument narrating that George Leslie, son and apparent heir of Alexander Leslie of Kincragy, with Jonet Leytht, his spouse, appeared upon the ground of the lands of the sunny third of the lands of Avldtoun of Knokkinblev, lying in the barony of Balquhane, regality of Gareaucht and sheriffdom of Aberdeen, holding in their hands a precept of sasine by John Leslie, fiar of Bolquhane, which they presented to Alexander Gordoun of Brachaucht, as bailie (the precept being signed and sealed also by William Leslie, grandfather of said John L., frank tenementer of the lands, and by John Leslie, Laird of Syd, father, and Walter L., curators of said John L., and granted to George Leslie and Jonet Leytht in conjunct fee and to the longer liver of the two and to their heirs born or to be born, whom failing to the lawful and nearest heirs of George L.) ; which third part, commonly called "the sonne third" of said lands, is occupied by William Duncan. The bailie, after the notary had read the precept, passed to the lands and gave possession in terms of the precept and charter thereupon. Done 10th October 1541. Witnesses, Alexander Leslie of Kincragy, William Touht, David Myll, John Duncan and Sir John Cristisone, notary public. 117 *a*.

330. Instrument narrating that Mr. Robert Davidsone, presbyter in the parish church of Kinnellair, compeared personally, holding certain letters of collation of the whole vicarage of Kinnellair directed from William, Bishop of Aberdeen, sealed with his round real and subscribed by his secretary, Mr. John Gibsoun ; which letters Mr. Robert presented to Sir Walter Clark, chaplain, and required him to proceed to execute them ; and after they were read by the notary, Sir Walter inducted Mr. Robert into possession of the said vicarage to the extent of an annual pension for payment of 20 merks Scots, by touch of cup, book of missal and ornaments of the altar and key of the door of the choir. He also admonished some parishioners present to obey Mr. Robert as their true vicar of all the fruits of the vicarage under the penalties contained in the letters of collation. Done in the choir of said church [*date omitted*]. Witnesses, the said Walter Clark, William Foular, John Roust and (Sir John Cristisone), notary. 117 *b*.

331. Instrument narrating that Andrew Zuiyll, bailie in that part of Alexander Gordoun of Clune, in terms of a precept of sasine by the latter, inducted David Duncansone of Standanstanis and Elizabeth Cuming, his wife, and the longer liver of them, into possession of the lands of Litil Sauhyne,

according to a charter made thereupon. Done on the said lands 2nd November 1541. Witnesses, John Davidsone, Thomas Gordoun, Duncan Davidson and (Sir John Cristisone), notary public. 117 *b.*

332. Instrument narrating that John Wavane acknowledged that he was fully paid by the late Patrick Malisone in Varderis of the sum of £40 of marriage goods with the late Isabella Malesone, daughter of the late Patrick M., and he quitclaims Walter Malisone and Katrine Ronaldsone, Patrick's executors, of the said sum, and that in complete payment of said goods. John W. also obliged himself and his executors to pay to Walter Malisone and Katrine Ranaldsone, when required, the sum of 5 merks, and also another sum of 5 merks between this and the feast of St. Serf ("*Seruani*") next to come (1st July 1542) in complete contentation of the legacy and claim of goods of the late Isobella Malisone, his wife; the said Walter and Katrine discharged John W. of said legacy. Done in the church of Kinkell 12th December 1541. Witnesses, Alexander Keyth, bailie, Sir George Wavane, priest, William Symsone, William Doverty and John Thome. 118 *a.*

1541–1542.

333. Instrument narrating that John Straquhyne of Lenturk, procurator for William Robertson, in a court of Mekil Sauhyne held by James Gordoun of Losmoyr, asserted that he objected to William Touht produced as a witness in the cause of John Valcair as to the pretended effusion of John V.'s blood by William Robertson, and that he ought not to be a witness in the case because John V. pursued William T. in this cause, and he protested that what was done by William T.'s deposition should not prejudice his right. Done as above 13th January 1541. Witnesses, William Cheyne, John Zung and Alexander Guthre. 118 *a.*

334. The same day there compeared personally James Gordoun of Colquhoddilstane, bailie in that part, as he asserted, of George, Earl of Huntlie, superior of the lands of Sauchyne, and inducted Elizabeth Seytoun, relict of the late Alexander Gordoun of Sauchyne, into possession of the sunny third of three quarters of all lands of the town of Mekil Sauchyne, specially that sunny third lying next the quarter of the lands belonging to her in conjunct fee, and of the sunny third of the lands of Myrtoun, the sunny third of the lands of Newmill and the third of said mill, as for her third; and the bailie assigned to the said Elizabeth her third (or terce) of all the lands of Mekil Sauchyne, Myirtoun and New mill while she lived. Done on the sunny third of the three quarters of Mekil Sauchyne 13th January 1541. Witnesses, Master Walter Styvart of Tulloch, William Cheyne, John Zung, Alexander Guthre, Sir William Davidsone and (Sir John Cristisone), notary. 118 *b.*

335. The same day William Robertson, on the one part, and John Walcair, on the other part, agreed upon oath to abide by the decree of Masters Duncan Forbes and Walter Styvart, and, in case of difference, of an oversman to be chosen by them, anent compensation for the striking of John by William to the effusion of blood, provided that their decreet shall be delivered by word or writing between this and next Lent. Done at Sauchyne as above. Witnesses as in preceding minute. 118 *b.*

336. Instrument narrating that William Meldrum and Isobella Seitoun, daughter of William Seitoun in Auchinhwif, personally compeared upon the ground of the lands of Kilbleyne, lying in the barony of Meldrum and sheriffdom of Aberdeen, holding in their hands a precept of sasine by William Setoun of Meldrum of the lands of Kilbleyne to the said William Meldrum and Isobella Seitoun and the longest liver of them and their lawful heirs whomsoever of their bodies, whom failing to the heirs whom-

soever of Isobella and her assignees. The precept being read, the parties required Henry Seitoun, bailie, to execute the same, who passed to the lands and gave possession and sasine in due form. On the lands 23rd January 1541. Witnesses, William Seitoun in Kilbleyne, Gilbert Oudny, John Seitoun, Walter Barclay and Sir John Cristisone, notary. 119*a*.

337. Instrument narrating that Mr. John Gordoun, forespeaker in name of Agnes Gordoun, in the suit against William Wentoun anent his crave of certain lands and tenements within the burgh of Awld Abirdene, objected against the continuation of the court because it was not with consent of parties, and likewise against the act produced by said William and Duncan Mar, his procurator, alleging he was served by certain coburgesses of said burgh as nearest heir of the late James Ventoun, because there was no mention of certain lands and because he was not served by a brieve of chancery nor of regality nor of the sheriff, and he protested anent the nullity of process. Lastly, Duncan Mar, "prelocutor" of William W., produced judicially an act of court of said burgh that the said Agnes was warned to produce all her rights on said day as for a peremptory term, and nothing was produced; wherefore he craved that William be served. Done in court within the palace of the Bishop of Aberdeen 26th January 1541. Witnesses, Alexander Ruderfurd, John Ruderfurd, Master Walter Styvart, Alexander Andrew, bailies. 119*a*.

338. Instrument narrating that John Dauidsoun for his interest as husband of Besseta Oudny, and Sir Robert Egev, on behalf of the pupil children of the late Jerome Egev, on the one part, and Donald Grant, executor of the late Cristine Tulledaf, on behalf of the pupil children of Cristine T. and John Robertson, on the other part, agreed to adhere to the decreet of Sir George Vavane, vicar of Terves, and of John Hay in Creychtmont moget, anent the crave of £17 and certain bodily ornaments of the said Besseta. The arbiters with one voice, parties consenting, pronounced their decreet as follows:—The said Donald Grant shall pay to John Dauidsoun for his interest the sum of £5, half at Whitsunday next and the other half at Martinmas next following. He shall also pay to Sir Robert Egev on behalf of the pupil children of the late Jerome Egev, £5, viz., 50s. at Whitsunday 1543 and 50s. at Whitsunday 1544; for which sum of £10 John Davidsoun and Sir Robert E. shall give discharge to Donald and others having interest as bairns' part of the said pupils. The parties give their oath to observe the premises. Done at Foverne 11th February 1541. Witnesses, John Criste, John Twring, Robert Thow and Sir John Cristison. 119*b*.

339. Instrument narrating that William Denis resigned one rood of his lands lying on the north side of Kintoir between the lands of Henry Jameson on the south, the lands of said William on the north, the highway on the west and the common land on the east; and in like manner, William Baxter resigned one rood of his lands lying on the north side of said burgh between the lands of William Baxtair on the south, the lands of John Adamsone *alias* Myll on the north, the lands of the Laird of Varderis on the east and the highway on the west, into the hands of John Abell, one of the bailies of the burgh, in favour of Andrew Rethisman, to be held from the said William Denis and William Baxtair by Andrew, his heirs and assignees, in free burgage, paying use and wont to the King. Upon which resignations the bailie gave possession to the said Andrew in usual form. On the lands 20th February 1541. Witnesses, William Duf, Fergus Davidsone, John Bissait, William Smale, John Andersone and John Raine, officers. 119*b*.

340. The same day Andrew Reithisman obliged himself, his heirs and assignees, to the said William Denis and William Baxtair that though they have alienated the above roods of land to him the charters and evidents will

be void as soon as William Denis shall pay him 7 merks Scots with a letter of tack of the said rood of land for the space of three years after redemption at a yearly sum of 4s., and William Baxtair shall pay 8 merks Scots, with a tack for three years at 4s. yearly. And if Andrew absent himself from the receipt of the money it shall be lawful to count the same in the parish church of Kintore on 40 days' warning, and to place the sum in the hands of the provost of Kintore. Done as above. Witnesses as in preceding minute. 120 *a*.

341. The same day John Bissait compeared personally within the territory of the burgh of Kintore, and there he resigned three roods or particates of his lands lying on the south side of the same, between the lands of Andrew Kelle on the north and lands of the holyrood on the south, the lands of William Denis on the east and the lands of William Baxtair on the west, into the hands of John Abel, one of the bailies of said burgh, in favour of Annabella Smovit in liferent; which resignation being made, the bailie gave possession to Annabella of said lands in liferent, under reservation of the franktenement to John Bessait while he lived. Done on the lands as above. Witnesses, Fergus Davidsone, John Rane, John Anderson, officers, and Sir John Cristisone, notary. 120 *b*.

342. Instrument narrating that Elizabeth Leyth, lady of the third of Barnis, and Mr. Forbes, her husband, for his interest, delivered two charters and two precepts of sasine, signed and sealed by them, of the lands of the sunny half of Blayr and the sunny half of the mill and mill lands of Kingudy, in the regality of Gareaucht and sheriffdom of Aberdeen, to Sir George Vavane, one charter to be held from the King, and the other, from said Elizabeth, in blench farm. And the said Elizabeth and Mr. John oblige themselves to amend the evidents until they are sufficient, while Sir George obliges himself to deliver to them a charter and precept of the lands held of them in blench farm as soon as he can obtain the King's confirmation or new infeftment, and a letter of regress to the said Elizabeth and Mr. John to the lands, at Sir George's expense, who will also amend the reversion, if necessary, made for the sum of 240 merks. Done at Barnis 9th March 1541. Witnesses, Charles Leyth, James Vatson, and Sirs David Hervy and John Cristisone, notaries. 120 *b*.

343. Instrument narrating that Sir George Wavane, vicar pensioner of Terves, appeared upon the lands of the sunny half of the lands of Blayr and of the mill of Kingudy, within the regality of Gareaucht and sheriffdom of Aberdeen, holding in his hands a precept of sasine of these lands by Elizabeth Leytht, lady portioner of the same, and Mr. John Forbes; which precept he presented to Henry Watsone, bailie, who passed to the lands and gave possession to Sir George of the said lands and the mill with the multures. Done on the lands 10th March 1541. Witnesses, Robert Tailzour, William Myll, Robert Walcar, and Sirs John Cristisone and William Procutor, notaries. 121 *a*.

344. Instrument narrating that William Dauidson in Folay, on account of the singular love and affection which he bears to John Dauidson, his first-born son, a student, and to John Dauidsone, his second son, appointed them conjunctly and severally and the longer liver of them his cessioners and assignees in form of law in and to a tack of 16 oxgangs of the town of Mekil Folay leased to him and Elizabeth Galloway, his spouse, and their assignees by Sir William Siluer, chaplain of Fola-roule, for all the terms not yet passed, and with all rights which William D. could claim. Done at Fola 20th March 1541. Witnesses, Master Robert Davidsone, William Rait, Andrew Lechis and (Sir John Cristisone), notary. 121 *a*.

1542.

345. Instrument narrating that William Leslie, portioner of Buchanstoun, leased to Henry Lesle in Buchanstoun his whole lands of four oxgangs with a half of Buchanstoun and the "rig" commonly called "Myll bank" and "govwane rig" for the space of 19 years immediately following Whitsunday 1542, with toft, croft, etc., which shall be the date of entry, with all clauses, points and privileges contained in tack made to him under a public instrument of Mr. Thomas Annan, notary; paying as in said tack. Done at Aberdeen 19th April 1542. Witnesses, John Cristisone, dyer, Patrick Ryne, John Straquhyne, William Hay, John Henreson and (Sir John Cristisone), notary. 121 *b.*

346. Instrument narrating that James Gareaucht of Kinstair received in pledge of the sum of 210 merks owing to him by Patrick Ryne, a charter and precept of sasine (sealed and signed by said James), of the lands of Vuer haucht and the east half of the mill of Kinstair, alienated by the said Patrick to him in blench farm for two pennies yearly, and likewise, of the croft of Vuer Sett and the "Ailhouse," and a charter to the said Patrick alienated by him of the lands of the east half of his lands of "Nedder hauchis" except of said mill, in special warrandice of said lands, lying in the parish of Aufurd and sheriffdom of Aberdeen; which sum the said (Patrick) promised to pay at Banchoriterne 21st May instant, of which James received in part payment £18 money. They oblige themselves to deliver the evidents and Patrick to deliver a reversion to James on said day. Done at Vuer hauch 9th May 1542. Witnesses, Richard Jhonsone, Donald Thouht, Duncan Elmislie, laic, and Sirs Alexander Gray and John Cristisone, notaries. 121 *b.*

347. Instrument narrating that William Baxtair, not compelled but for the sum of 37 merks Scots, which he acknowledges to be fully paid him by Andrew Rethisman, whom and his heirs and assignees he discharges, gave, granted, sold and alienated to Andrew, his heirs, etc., four roods of his lands, lying in the territory of the burgh of Kintoir, on the north side of the same, between the lands of John Adamsone on the north and the "Vaniale" (Vennel?) on the south, the lands called the "thayndum" on the east and the highway on the west, to be held in free burgage; paying thence yearly to the King the due and wont, and to Thomas Scherair, his heirs, etc., 2s. yearly in name of annual rent. Likewise, William Baxtair sold and alienated to said Andrew, his heirs, etc., an annual rent of 8s. Scots, to be uplifted from his whole lands lying in said burgh, so long as Elena Duncan, his mother, shall live. Lastly, notwithstanding that William B. acknowledged that he was paid beforehand of the 37 merks, the said Andrew promised and obliged himself to pay to William the sum of 11 merks in complete payment of the said 37 merks at Christmas next; and William promised to seal and subscribe a charter of the lands alienated and of the annual rent. Done at Kemnay 29th May 1542. Witnesses, Ingram Mortymar, William Cristison and (Sir John Cristisone), notary. 122 *a.*

348. Instrument narrating that John Craik, burgess of Aberdeen, openly and publicly acknowledged that he sealed and subscribed a certain evident of consent by him that the dyke (or ditch, "*fossa*") commonly called the Myd Diyk shall abide and stand as it now stands between his lands and the lands of John Cristesone, dyer, lying in the "Nedder Kirk get" ("*in vico inferiori*"); and he ratified and approved the evident and all contained therein of date 1535, and he promised to ratify and approve his seal and subscription before any judge without change; all which he promised faithfully to fulfil, and that of his own free will, uncompelled. Done at Aberdeen 26th June 1542. Witnesses, Alexander Chalmer, Sir Robert Stralocht, John Reche, Thomas Chalmer, Master Robert Menzes and (Sir John Cristisone), notary public. 122 *b.*

349. Instrument narrating that David, prior of Monimvsk, leased to Robert Lummisdane of Madlare, Isabella Forbes, his wife, and Mr. Matthew Lummisdane and the survivor of them, the whole teind sheaves of the town of Ester Foulis and the mill and Carnaverane for three years after the date of the present entry to the crop of this year ; paying yearly to the prior on the feast of St. Bartholomew for the teinds of Ester Foulis and the mill the sum of 19 merks, and for Carnaveran the sum of 6 merks ; and under this condition that the said persons shall be faithful to the prior and his monastery and that they shall reveal to him any damage or loss affecting him and the monastery known by them, and when they shall come to the town of Monimvsk they shall enter into the monastery, and if they do not fulfil the premises the tack shall be void. Done in the cemetery of Loquhell (Leochhel) 24th September 1542. Witnesses, James Forbes of Corsindave, Patrick Forbes of Cors, Sir William Forbes and (Sir John Cristisone), notary. 122 *b.*

350. Instrument narrating that William Lesle, portioner of Buchanstoun, acknowledged that he had received from Henry Leslie in Buchanstoun with the allocation of his mother's terce of the lands of Buchanstoun the sum of £6 Scots in complete payment of rents and customary services for three years following Whitsunday 1542 for his lands of Buchanstoun, lying in the regality of Gareaucht and sheriffdom of Aberdeen. Lastly, the said William L. promised to Henry L., his heirs, etc., that neither he nor his heirs shall alienate his lands of Buchanstoun nor lease them to any one save to Henry Leslie, otherwise the alienation to be null ; the said Henry paying to William for the lands as other persons are willing to pay. Done at Faterneir 8th October 1542. Witnesses, David Mersenton, John Reche and (Sir John Cristisone), notary public. 123 *a.*

351. The same day Henry Leslie in Buchanstoun appointed his son, John Leslie, his assignee in and to his tack of the lands of Stanbrig, lying in the regality of Gareaucht, for the terms of the tack yet to run, and likewise in and to all the goods and grain upon the tenancy of Stanbrig ; and likewise he appointed his daughter, Jonet Leslie, his assignee in and to his tack of Buchanstoun, and the goods moveable and immoveable and grain on the tenancy. Done at Faterneir as above. Witnesses, David Mersenton, John Reche and Sir John Cristisone, notary. 123 *b.*

352. Instrument narrating that James Thomas ("Thome") in Kintoir resigned three roods of his lands, lying on the north side of the burgh of Kintoir, between the lands of Thomas Sherar on the east, the lands of the Laird of Varderis on the west, the highway on the south and the burn of Horrok on the north, into the hands of John Abel, one of the bailies of the burgh, in favour of (Maud ?) "Madde" Trail, his wife, and the heirs begotten or to be begotten betwixt them ; reserving the frank tenement to the said James. The bailie in the usual form inducted the said "Madde" Gareaucht (*sic*) into possession of the lands. Done on the lands 11th February 1543 (*sic*, but ? 1542-1543). Witnesses, John Rane, John Spring, John Hauersone and Fergus Davidson, officers. 123 *b.*

1542-1543.

353. Instrument narrating that William Shand, bailie in that part of William Lesle, portioner of Buchanstoun, in terms of a precept, inducted Henry Lesle in Buchanstoun into possession of 4 oxgangs and a half of said lands, lying in the regality of Gareaucht and sheriffdom of Aberdeen, with Mill bank and Govane ryg (*Cf.* No. 345) for the space of 19 years. Done on the lands 8th March 1542. Witnesses, William Nicholl, John Mane, Andrew Man and (Sir John Cristisone), notary. 124 *a.*

354. The same day Henry Lesle quashed in favour of William Lesle the tack made to him of the tenancy of Ardwne, except the letter of bailiary, for the lands of Buchanstoun, Myllbank and Govan rig. Place, date and witnesses as in preceding minute. 124 *a.*

355 The same day Jonet Paterson, relict of the late Andrew Lesle, lady of the third of Buchanstoun, acknowledged that she was satisfied in contentation of her terce with a certain piece of land beginning at a stone in her garden on the east in a line to the water of Gavde with the "Swit rig in the hauht" during her life, with the rest of the garden on the other side of said stone in favour of Henry Lesle for his interest; and she acknowledges herself fully paid of 13s. 4d. yearly by Henry Lesle in complete contentation of her third of the lands of Buchanstoun. And she likewise acknowledged that she had set to Henry L. while she lived her third of said lands as long as he paid that sum of 13s. 4d. yearly. Done at Buchanstoun as above. Witnesses, John Mechell, William Shand and John Mane. 124 *a.*

356. Instrument narrating that John Bissait in Lauchsanze obliged himself, his heirs, etc., to John Tailzeour in Enrowre (Innerurie), his heirs, etc., to the effect that although Tailzeour has alienated to Bissait three roods or particates of his lands lying in the burgh of Enrovre on the east side, between the lands of John Williamson on the south, the lands of Thomas Scot on the north, the highway on the west and the water of Owre (Urie) on the east, for the sum of 17 merks Scots, yet as soon as ([1] John Tailzeour) shall pay to ([1] John Bissait) the said sum on one day after 40 days' warning, either personally or at the parish church, with a sufficient letter of tack of the lands to John B. for five years after redemption at a yearly rent of 17s., it shall be lawful to John T., his heirs, etc., to have free entry and access to the lands as before, the tack excepted. Provided that if Tailzeour and his heirs wish to alienate the lands to any one, he shall alienate them to Bissait, and shall redeem them with his own goods only. In the absence of John B. from receipt of the money, it may be consigned in the hands of the vicar pensioner of Enrovre. Done at Enrovre 22nd March 1542. Witnesses names not given. 124 *b.*

1543.

357. Instrument narrating that William Denis, indweller of Kyntoir, resigned in the hands of John Abell, one of the bailies of Kyntoir, four roods of his lands lying on the south side of the burgh, between the lands of John Bissait on the west, the highway on the east, the burn of Towak on the south and the highway on the north, in favour of John Denis, his heirs, etc., in free burgage, for payment to William, his heirs, etc., of the sum of 5s. of annual rent yearly; with clause of warrandice to John D. for all other annual rents for the lands at whatsoever hands except the burghal rent used and wont. And William D. acknowledged that he had received from John D. for the alienation of the said four roods the sum of 40 merks. Upon which resignation the bailie inducted John D. in possession in due form. Done on the lands 5th April 1543. Witnesses, John Bissait, John Spryng, John Ryne and Fergus Davidson, officers. 125 *a.*

358. The same day William Baxter and Jonet Abell, his spouse, for her interest, resigned in the hands of John Abell, bailie, four roods of their lands within the burgh of Kyntoir, of which two are on the north between the lands of the holy cross on the south and the lands of James Thomson on the north, and two roods on the south of the burgh between the lands of Thomas Scherar on the west and the lands of John Anderson on the east, in favour of Andrew Baxter, his heirs, etc., in free burgage;

[1] The names are wrongly transposed in the original.

reserving the franktenement of the granters during their lives. The said bailie then inducted Andrew B. in due form. Done on the lands above. Witnesses, John Abell, Thomas Cristisone, Richard Raye, John Spring, John Rane, officers. 125 *a.*

[*A page blank.*] 125 *b.*

359. Instrument narrating that it was found by an inquest of trustworthy burgesses of the burgh of Kyntoir in a court thereof that William Symsoun is lawful son and nearest heir of the late William Symsone, his father, and that the latter died last seised and infeft in three roods or particates of land lying on the south side of said burgh between the lands of the friars preachers of Aberdeen on the west, and the lands of the vicars of the choir of the Cathedral church of Aberdeen on the east, the royal lands on the south and the highway on the north, and that the lands are held in free burgage. William Symsone requested John Abell, one of the bailies of the burgh, to give him possession, which the bailie did in usual form. On the lands 16th April 1543. Witnesses, James Knycht, James Thome, Andrew Rechison, John Rane and John Anderson, officers. 126 *a.*

360. Instrument narrating that Alexander Gavan, officer of Sir William Siluer, chaplain of Follechtroule, at command of said chaplain, as he asserted, passed to the holding ("*tenementa*") of the sixteen oxgangs of Mekill Folay leased to the late William Dauidsone and his assignees (*Cf.* No. 344) for the space of 19 years, and there from each of their houses ejected a "stres" ("*eiecit vnum* ly stres") in token of removal of Mr. John Dauidsone and of John Dauidsone, sons of the late William D., his subtenants, from the said tenancy and tack by warning them, in name of the said chaplain, and of John Lesle, his bailie, that they may remove themselves and their goods from said tenancy at the next Whitsunday under penalty of 5s. 1d. for every day they occupy the tenancy after said term. Nevertheless, the said Mr. John for himself and the said John, his brother german, interposed ("*interposuit*") the "stresse" in the houses with all pain of law, affirming the tenancy to belong to him by reason of assignation (No. 344) and protested for remedy of law. Done at Mekill Folay 11th May 1543. Witnesses, John Clark, Henry Crushank, William Clark, Alexander Thome and (Sir John Cristisone), notary. 126 *a.*

361. Instrument narrating that Mr. Duncan Forbes, son of the late William Forbes of Corsyndave, quitclaimed Margaret Lummisdane, his mother, of all receipts by her anent his bairn's part of all goods, moveable and immoveable, due to him by reason of said part, for the grains growing on the tenancies and lands of Jhonstoun, Bandly, Standanstanis, with fodder in the instant year 1543. In like manner, John Forbes, brother german of the said Mr. Duncan, quitclaimed the said Margaret Lummisdane, his mother, for 33 bolls of oats with fodder for his bairn's part owing to him by his mother, all which they and each of them promised to fulfil except that Mr. Duncan shall have his bairn's part of "domiciles" of the house of the late William Forbes, his father, with the grain above noted. The said Margaret also discharged Mr. Duncan and John Forbes of all receipts by them to date. Done at Corsyndave 2nd June 1543. Witnesses, John Forbes in Corndave, William Zung and Patrick Jhonston. 126 *b.*

362. The same day Margaret Lummisdane, lady of the third of Corsyndave, and Mr. Duncan Forbes and John Forbes, her sons, exoner and discharge James Forbes of Corsyndave of all grain growing on the town and lands of Corsyndave, except the said Margaret's third of the same, and of all grain growing on Tulloquhorry (?) and Endurno, paying to Mr. Duncan

F. by James F. in the instant year of the grain growing on Corsyndave, 120 bolls oats and 8 bolls bear with fodder; for which grain and fodder, Patrick Jhonstoun became cautioner to the said Mr. Duncan. Done as above. Witnesses as in preceding minute. 126 *b.*

363. Instrument narrating that John Spryng acknowledged that he had received on loan from John Denis the sum of £4, and if it happens that he does not pay said sum between this and the Purification of St. Mary (Candlemas) next, he obliges himself, etc., to infeft the said John D., his heirs, etc., in one rood of his lands lying within the burgh of Kyntoir on the south side, between the lands of Andrew Evyne on the east and the lands of the said John Spring on the west, in free burgage, under reversion to be made by John Denis in the usual form; the money to be repaid on the altar of the parish church of Kintoir or consigned in the hands of the vicar of Kyntoir. Done at Kyntoir 19th June 1543. Witnesses, Fergus Davidsone, Alexander Keyth, vicar pensioner of Kyntoir. 127 *a.*

364. Instrument narrating that John Bissait in Lauchtsanze resigned three roods lying within the territory of the town of Enrovre between the lands of John Williamson on the south, the lands of Thomas Scot on the north, the highway on the west, and the water of Owre on the east, in favour of Agnes Gareaucht, his wife, in liferent, reserving his own franktenement of the lands, in the hands of Robert Fergus, one of the bailies of said town; which bailie, at the request of John Bissait, inducted the said Agnes into possession in due form. Done on the lands at the principal house of the same 21st June 1543. Witnesses, James Banzeacht, John Banzeacht, Patrick Andre, John Huchon, Fergus Davidsone and Andrew Curre, officers. 127 *a.*

365. Instrument narrating that Alexander Hauersone, son natural of the late Thomas Hauersone, freely appointed John Hauersone, his (brother) german, and Andrew Hauersone his lawful procurators to pursue his bairn's part as part of the goods belonging to him of his late father and mother and the legacy bequeathed to him in their last wills, with power to cite intromittors, executors and others and pursuing them to the end before any judge. He also makes the said John and Andrew his donators of said goods to be equally divided between them, so that each may pursue for one half of the goods. Done at Mvkall 1st July 1543. Witnesses, William Frasser, Robert Couper, Andrew Roust and Gilbert Cheyne. 127 *b.*

366. Instrument narrating that James Litstair, bailie in that part of Lesle, in terms of a precept inducted Walter Leslie, burgess of Aberdeen, into possession of the lands of Auquhorsk in the regality of Gareaucht and shire of Aberdeen, 2nd July 1543. [*This writ is incomplete, about one-third of a page being left blank.*] 127 *b.*

367. Instrument narrating that Alexander Watson, on the one part, and Rolland and William Riddell, her affianced, for his interest, and Duncan Smytht, son of the late John Smyth in Kynmunde, with consent of Sir John Cristisone and Thomas Tullidef, executors of the said late John, each of them upon oath, agreed to accept Andrew Herve of Elryk, Arthur Forbes in Cragtovr, Robert Innes in Diys or any two of them on behalf of the said Alexander and Duncan, and upon Thomas Tullidef, Sir John Cristisone and William Watsone or any two on behalf of Rolland and William Riddell and the said Duncan, and upon either Henry Oudne of Mynnes or John Pantoun of Petmeddane as oversman, as arbiters anent the crave of Alexander Watsone of 12 merks promised to him by the said late John Smyth in marriage goods, and anent his discharge of receipts by him of such goods; the

arbiters to meet at Fyntra 1st August next for final decreet betwixt the parties. Done at Enrovre 10th July 1543. Witnesses, Robert Blakhall, James Moyr, John Clark, John Davidsone, Andrew Davidson. 128 *a.*

368. Instrument narrating that at the parish church of Fintra Rolland and William Riddall, her affianced, and likewise Duncan Smyth, requested Henry Oudne of Mynnes and Thomas Tullidef or Sir John Cristesoun to take upon them the burden of deciding between the said parties; who upon oath said they were ready to do so on behalf of the said Rolland, William and Duncan, and protested for remedy of law because of the absence of arbiters for Alexander Watsone, who stated that Arthur Forbes, his arbiter, was in the royal service. Done as above 1st August 1543. Witnesses, Robert Innes and the said arbiters. 128 *a.*

369. Instrument narrating that Isobella Kelle with consent of Thomas Cristesone *alias* Chapman, her husband, resigned by a penny of "out toyll" an annual rent of 10s. to be uplifted yearly from two roods lying on the south side of the burgh of Kyntoir,—of which one rood lies between the lands of holy cross on the west and the lands of the altar of the chapel of St. Thomas within the burgh of Aberdeen (on the east?), and the other rood lies between the lands of Thomas Adamsone on the east, and the lands of the altar of said chapel on the west,—into the hands of Alexander Keith, one of the bailies of said burgh, in favour of the chaplains of the Cathedral Church of Aberdeen; and likewise, John Spring and Elena Hervy, by a penny of "out toill," resigned in the hands of said bailie in favour of the said vicars of the choir of the Cathedral church of Aberdeen an annual rent of 14s. to be uplifted from three roods or particates of their lands lying on the south side of said burgh between the lands of Andrew Evyne on the east, the lands of Agnes Alexander on the west, and the royal lands on the north and south; which resignations being made, Mr. John Chalmer, procurator for the said chaplains of the choir, required the bailie to give possession of the said annual rents of 24s., and the bailie at request of the resigners gave to the procurator possession of the annual rent by one penny of "intoil." Done on the ground of the lands 8th August 1543. Witnesses, Master Robert Davidson, Sir Alexander Trail, chaplains, James Thome, John Rane, John Andersone, officers, and (Sir John Cristisone), notary public. 128 *b.*

370. The same day William Jhone (Johnson(?)[1]) resigned three roods of his lands, lying on the south side of the burgh of Kyntoir between the lands of the friars preachers of Aberdeen on the west and the lands of the vicars or chaplains of the choir of the Cathedral Church of Aberdeen on the east, into the hands of John Abell, one of the bailies of said burgh, in favour of Patrick Andersone, his heirs and assignees, to be held in free burgage. The bailie then, by request, passed to the lands and gave possession to Patrick A. in usual form. Done on the lands as above. Witnesses, Alexander Fraser, John Bissait, William Denis, John Spring, John Andersone, officers. 129 *a.*

371. The same day John Abell, junior, in Kyntoir and Andrew Evyne obliged themselves, their heirs, etc., to James Keytht, his heirs, etc., that as soon as James K., his heirs, etc., shall pay to John Abell on one day the sum of 46 merks with a sufficient tack of 13 roods of land lying in the burgh of Kintoir alienated to him by Alexander Keytht, father of James, for his lifetime or for the lifetime of Elizabeth Davidson, his spouse, if he should die before delivery of said sum, at a rent of 24s. yearly to be paid to James K., his heirs, etc., and if, in like manner, James shall pay to Andrew Evyne 40 merks Scots with a letter of tack of five roods of lands lying in said burgh, alienated to him by Alexander K. for his life, or that of Elizabeth Glas, his spouse, for the rent of 20s. yearly to James K.,

[1] ? Symson. See No. 359.

then the said James, his heirs, etc., shall have free ingress and access in and to the 18 roods of lands alienated to John Abell and Andrew Evyne. And if the latter absent themselves from receipt of the money, James K. may consign it in the hands of John Abell, bailie of Kyntoir, for their use. Done at Kyntoir as above. Witnesses, John Abell, Fergus Davidson, Andrew Chalmer and John Anderson, officers. 129 *a.*

372. Instrument narrating that James Skeyne in Bandodill faithfully obliged himself, his heirs, etc., to seal and subscribe a sufficient tack of the sunny third of the lands of Blakhall, lying in the regality of Gareaucht and sheriffdom of Aberdeen, to William Blakhall of that Ilk, his sub-tenants and coadjutors, of no greater degree than himself, leasing the lands for the whole time and as long as they shall be in his hands by alienation by William B. aye and till they shall be duly released from his hands under a reversion made by James S., and also for the full space of five years next following the redemption of the lands, for payment to James S. yearly after Whitsunday 1547, ten bolls meal, six bolls bear with a peck to each boll, and two bolls wheat during the space foresaid ; and likewise, after redemption, for the space of five years, on James, his heirs, etc., paying rent to William as contained in the tack to be made in terms of the reversion. The victuals are to be delivered yearly at the feast of the purification by William at the house of James, or the town of Aberdeen, or any place within ten miles from Blakhall, at the request of James, etc. ; providing that if there is failure in payment of the victual at said term or within twenty days after, the said tack shall be null. The said James notwithstanding infeftment of the lands shall not remove Sir James Kyd, tenant, until Whitsunday 1547. Done at Bandodill 22nd August 1543. (Witnesses not mentioned.) 129 *b.*

373. Instrument narrating that James Skeyne in Bandodill compeared personally on the ground of the sunny third of the lands of Blakhall, in the regality of Gareaucht and sheriffdom of Aberdeen, holding in his hands a precept of sasine from William Blakhall of that Ilk, which he presented to John Reche, bailie, who, after the notary had read the precept, gave possession to James S. in due form, in token of which possession the bailie chose an ox of a black colour, "skwrrit" (with short horns), valued by trustworthy persons on oath at 2 merks money. Done as above 28th August 1543. Witnesses, Alexander Skeyne, Ingram Mortymar, Alexander Farchar, Alexander Chene, and Sir John Cristisone, notary. 130 *a.*

374. Instrument narrating that Henry Jamesone in Kintoir granted and alienated in free burgage to Thomas Myll, his heirs, etc,, one rood of his lands lying on the north side of the burgh of Kintoir between the lands of Abraam Smart on the east and the lands of John Anderson on the west, and the highway and royal lands on south and north ; and he resigned the lands in the hands of Alexander Keyth, one of the bailies of the burgh, who, by request, passed to the lands and gave possession to Thomas Myll in usual form. Done on the lands 19th June 1543. Witnesses, Fergus Davidsone, Andrew Rechisman, Andrew Kelle, John Andersone, John Rane, officers. An added clause states that Myll is to pay yearly an annual rent of 30 pence and the burghal rent due and wont. 130 *b.*

375. The same day Henry J. sold to Henry Herve, his heirs, etc., one rood of his lands lying on the north side of the burgh of Kintoir between the lands of holy cross on the east and the lands of Richard Dauidsone on the west, paying yearly 30 pence Scots to Alexander Chalmer due and wont ; and Henry J. resigned the land in the hands of Alexander Keyth, bailie, who gave possession to Henry Herve in due form. On the lands as above. Witnesses, Arthur Forbes, Fergus Davidsone, Andrew Rechisman, Andrew Kelle, John Andersone and John Rane, officers, and Sir John Cristisone, notary public. 131 *a.*

376. Instrument narrating that James Forbes of Corsyndave compeared personally on the ground of the church lands of Balvak, within the diocese of Aberdeen, having a precept of sasine of feufarm by Mr. Henry Forsytht, rector of Monimvsk, which he presented to Patrick Forbes, requiring him to give possession; which precept narrates that Henry Forsyth, prebendary of the parish church of Monimvsk and canon of the Cathedral church of Aberdeen, states that he had, with consent of William, Bishop of Aberdeen, and his chapter, granted in feufarm to the late William Forbes of Corsindave, his heirs, etc., the ecclesiastical lands of Monimvsk, lying in that parish and sheriffdom of Aberdeen, for a sum of money, paid also for a feufarm, to be paid yearly to the profit of the said church of Monimvsk; and that it clearly appears that James Forbes of Corsindave is the son and nearest heir lawful of the said William F., and that the latter died last seised of said lands. He therefore directs Richard Clark and Patrick Forbes as his bailies to give sasine to James Forbes in the lands. Dated at Aberdeen 10th October 1543. Witnesses to the precept, Master Walter Stevart, John Bell, Sir John Stanhous, notary, William Marsar. Which precept being read by the notary, the bailie passed to the said lands of Balvak and gave possession to James Forbes in usual form. On the lands 19th October 1543. Witnesses, William Styvart of Portertoun, James Patersone, William Zung, David Gray, Thomas Nore, Alexander Robertsone, Patrick Roust and (Sir John Cristisone), notary. 131 *b.*

377. Instrument narrating that Alexander Leslie of that Ilk, for himself and as procurator for John Leslie, his first born son and heir apparent, also present and consenting, passed to the presence of an honourable damsel, Margaret Leslie, daughter of the late Alexander Lesle of that Ilk, and offered to her as an equal, to contract marriage, either John Lesle, his brother german, or Mr. Thomas Mortymar, at the pleasure of said Margaret, whom she may wish to have, and if any impediment hinders, of consanguinity or affinity, he promised faithfully to obtain a dispensation from the supreme pontiff; and if she refused and contracted marriage with any other person, he protested for remedy of law. Done in the hall of Leslie 21st January 1543. Witnesses, Sir William Cristisone, Master Thomas Mortimar, Thomas Red, Alexander Proctour and (Sir John Cristisone), notary public. 132 *a.*

1544–1545.

378. Instrument narrating that Alexander Gordoun of Strathoun appeared personally on the lands after mentioned, holding in his hands a precept of sasine by George, Earl of Huntlie, which he presented to Nicholas Ros of Auchinclossyne as bailie. The precept is in the following terms:—George, Earl of Huntlie states that with consent of his wife, Elizabeth Keyth, he has granted to Alexander Gordoun of Strathoun in life rent for the whole time of his life his lands of Inchmarnocht, and also his lands of Wuer (Over) Watternavdy, Nedder Wetternavdy, Tullicarne, Croft Fairlie, Wuer Balnastray, Nedder Balnastray, Candnacrag, Mekill Candmour, Litill Candmour with mill of Dunnat, Dulchip and the ferry boat of the same upon the Water of Dee, lying within the Earl's lordship of Oboyne and sheriffdom of Aberdeen, and that in exchange for the lands of Dalmoir, Achnachill, Cappache, Findra, Wester Cando, Ester Cando, Dalnabotht, Auhtlony, Fotterletter, Inuerlochy, West Enrowry and Ester Enrowry, lying in the sheriffdom of Banff, as contained in a charter to the said Alexander G. The Earl directs Nicholas Ross of Auchlossane and William Gordoun to give sasine. Dated at Aberdeen 19th December 1544. Witnesses to the precept, John Earl of Sutherland, Robert Carnegy of Kynnard, William Wrre of Petfeche, Master William Gordon and Thomas Gordon. After the reading of which precept, the bailie passed to the lands of Inchmernocht and others and gave

possession by "thack and raipe" to the said Alexander Gordoun in liferent, in terms of charter and precept. Done on the lands 9th March 1544. Witnesses, William Gordoun in Sauhyne, George Innes, George Ross and (Sir John Cristisone), notary public. 132 *a.*

379. Instrument narrating that James Gordoun, servant of the laird of Hauddaucht, gave up and delivered all right and claim which he has or can have in and to four oxgangs of land of Carbrogy to Andrew Freser of Stanevod, fiar of the same, from Whitsunday 1545, so that the said Andrew might dispose of the said lands freely. Done at Mvkall 12th March 1545 (1544-45?). Witnesses, Alexander Cheyne, Patrick Touht, Alexander Angus and (Sir John Cristisone), notary. 133 *a.*

380. Instrument narrating that James Abercromme, younger, laird of Petmeddane, acknowledged himself fully paid by John Martyne and William Martyne, his son, of all the rents of the sunny ploughland ("*aratri*") of the lands of Nevtoun of Cardane for the full space of three years following Whitsunday 1544, except the customs to be paid to him by them yearly, namely, three firlots of malt and three firlots of victual, one ram, one goose, six poultry and six capons, at the usual terms, and he discharged the said John and William. Done at Petmeddane 26th April 1544. The said John and William to compear and answer as tenants in the courts of Petmeddane and to pay multures to the mill during the above years. Witnesses, William Elphinstoun of Glack, Patrick Gylcrist, Besseta Gray and (Sir John Cristisone), notary. 133 *a.*

381. Instrument narrating that Alexander Gordoun of Clune, in a court of the barony of Clune held at the peel ("*pelam*") of Clune by Gilbert Freser, bailie depute, appointed by Alexander Gordoun of Strathoun, chose Alexander Gordoun of Strathoun, his father, and Andrew Freser of Stanevod, his cousin or kinsman, his curators, to consent to the sale of Thombracahe and outsets, mill and mill lands with multures, lying in the lordship of Strathoun, and the lands in a clause of warrandice, belonging to him, to Mr. George Gordoun of Beldorne, and that the said Alexander G. is not compelled, upon which he took oath in presence of said judge. Lastly, Mr. George Gordoun publicly acknowledged that notwithstanding that the two Alexander Gordouns obliged themselves, etc, to give to him a sufficient tack and letter of bailiary of the said lands alienated to him for the space of 19 years from the day of redemption, yet the heirs and assignees of Alexander Gordoun of Strathoun, after his decease, shall not be bound to warrant the tack and letter, because he has only in liferent the lands of Thombracahe, and the "outseitis" of the mill, with multures, and also the lands of the sunny half of the lands of Blairfinde, the half of their "outseitis" and the third part of the mill and the multures, lying in the lordship of Strathoun and sheriffdom of Banff. Notwithstanding the premisses, if the said Alexander die before the lapse of the tack and letter, his heirs, executors, etc., shall not be bound to warrant Mr. George. Done at the peel of Clune in said court 6th March 1544. Witnesses, Andrew Fraser of Stanewod, George Gordoun, Malcolm Grant, John Leslie and (Sir John Cristisone), notary. 133 *b.*

382. Instrument narrating that Gilbert Keyth in Auchryne compeared personally on the ground of the lands of Tempil croft in the parish of Kemnay and sheriffdom of Aberdeen, holding in his hands a precept of sasine by the lord of "Corstophyne" (*sic*, but *lege* Torphichen) which he presented to Alexander Lindesay as bailie, as follows:—Walter Lord of St. John, Preceptor of Torphechyn, knight of the order of Jerusalem, states that he had given and granted to his beloved Gilbert Keyth a croft of Templar land lying in the town of Auquhite and barony of

Kemnay, and sheriffdom of Aberdeen, for good service done by Gilbert, and for the special favour and love which the granter bears to him he has given and of new infeft and for himself and his successors has confirmed the croft to Gilbert, his heirs, etc., to be held of the granter and his successors in fee and heritage. The granter therefore directs Alexander Lindesay as bailie to give sasine. Dated at Edinburgh 8th February 1544. Witnesses to the precept, John Swentoun, Peter Poluert, Sir Alexander Robertsone, notary public. Which precept being read by the notary the bailie gave possession to Gilbert Keyth in due form. Done on the lands 23rd March 1544. Witnesses, John Gareacht, John Moyr, Thomas Cromme, and (Sir John Cristisone), notary. 134 *a.*

1544.

383. Instrument narrating that Marjory Mersair, Besseta Mersair and Skeyne, spouse of the late Robert Marsair in Dullab, and John Scot for his interest, and William Marsair, first-born son of the said late Robert M., as tutor of John and Margaret Marsair, pupil children of the late Robert, agreed to submit to the arbitration of William Mawmour and Alexander Farchar on behalf of the said Marjorie, Besseta and the relict of Robert M., and of Sir John Red, vicar pensioner of Monimvsk, and John Forbes, on behalf of the pupils, with an oversman to be chosen by them, as arbiters anent the decision of all goods of the late Robert M. to be distributed to his relict and children as pupils. The arbiters having seen his testament and legacy and certain other claims and debts gave sentence (in the vernacular) as follows :—"The said Besse Marsair sall have for hir part of the said umquhill Robert geyr nyne bollis aitis fyf firlotis of beir with the fodder and for hir part of the laif of geir in all things vijs of siluerr and shev to remane with hir moider apone hir moider expens tua zeiris nixt followand and remittis for to help hir cleting the said vijs and ane firlot beir ; Margret to have hir meit and clayht of hir moider and remane with hir quhill shev be x zeir age and shev to get for hir part iiij bollis aitis tua firlotis of beir allanerlie, and John Marsair to remane one his moder expens with hir quhill he be fiftene zeir age, all his barnis part and legacy dischargit for his meit and clayth the said spaice and gif he passis avay within xiii zeirs all his part to be dischargit for his expenss sua he pas fra hir by hir will, and gif thair moider decesse within the said zeirs or gif the said barnis remanis nocht with thair moider quhill the said zeris be compleitlie ryne, quhat geir that the awaye passar or that wantis meit and clayth ony of the said zeris be thair moider the awaill thairof and quhat thai suld have, the samen to be estimat" and by the majority of the arbiters or by "one suspect" neighbours. Done at Monimvsk 6th May 1544. Witnesses, William Red, William Marsair, the said arbiters, and (Sir John Cristisone), notary publlc. 134 *a.*

1544-1545.

384. Instrument narrating that Margaret Lummisdane personally compeared and of her own free will gave up all right and claim which she has to the lands of Blakre, Maktare, Myirfundland, lying in the barony of Fyve and sheriffdom of Aberdeen, and also the third part of the lands of Baluak, to James Forbes of Corsyndave in exchange for the lands of Baddynly and the multures of the lands of Mekill Endwy, to the mill of Baddynly when it is built, and that during their lives. Also the said James and Margaret discharge and cease all pleas betwixt them pending undecided in the consistory of Aberdeen, particularly anent a contract of Mr. Henry Forsyth, rector of Monimvsk, and adhering to the decree of Messrs. Robert Lumsdane and Walter Stevart, the said James to defend his mother the said Margaret as far as he could. Done in the hall of Corsindave 31st January 1544. Witnesses, Alexander Skeyne of that Ilk, Thomas Forbes, William Zung and (Sir John Cristisone), notary. 135 *a.*

1544.

385. Instrument narrating that Andrew Freser of Stanevod passed to the personal presence of Elizabeth Flegeair, relict of the late John Abircromme, tenant, residing in Carnbrogy, saying in the vernacular these words :—" Guidwif I haue send to Carnbrogy till bring avaye the guidis that your husband John Abircromme had in possessioune for dettis awand to me, nochtwithtstanding gif ze haif ony titill or clame to his geyr sua that ze will fynd me cautioun to do till me and the grvnd that suld be done I will cause leif the said guidis within the grvnd of Carnbroigy. The said Elizabeth ansuerit in this maner Schir I haue no geir thair, and nane of that geir is myne bot gif ze will gif me ony of zour awne will, and I cane fynd na caution thairfoir" ; upon which Andrew Freser asked instrument. These things were done near and in front of the outer gate of Mvkall 2nd June 1544. Witnesses, Alexander Fresser in Clyntertay, Sir David Reche, vicar of Mydmar, Gilbert Cheyne and (Sir John Cristisone), notary. 135 *b.*

1545.

386. Instrument narrating that William Galloway compeared personally upon the ground of the kirklands of Calsalmond, lying in the barony of Wranghame and sheriffdom of Aberdeen, with a precept of sasine by John, Abbot of Londoiris and convent thereof, which he exhibited to John Seitoun, bailie, and requested sasine. After reading the precept (*a blank of one page being left for the insertion of that writ*) the bailie placed William Galloway in possession, and in token of sasine the bailie chose an ox valued at 50s. Done on the lands 4th July 1545. Witnesses, Master John Gevlis, Sir Henry Quhitvellis, chaplain, John Thomme, Alexander Crushank and (Sir John Cristisone), notary public. 135 *b.*

387. Instrument narrating that Patrick Leyth compeared personally on the ground of the Kirklands of Oyne, lying in the regality of Gareaucht and sheriffdom of Oyne (*sic*, but *lege* Aberdeen), with certain letters in the form of a precept of sasine of the Kirklands, namely the Kirktoun of Oyne with the "ailhous" and "ailhous croft," by Mr. James Wawane, rector of Oyne ; which letters he showed to George Leyth as bailie, who, after the precept was read by the notary (*two-thirds of a page being left blank for ingrossing it*), passed to the lands and gave possession to Patrick Leyth in feufarm of said lands and "ailhous," and in token of sasine the bailie chose a horned ox of a reddish ("*subrubei*") colour valued at 4 merks and 12 pence. Done on the lands 30th June 1545. Witnesses, Thomas Leyth, George Layng, William Gardyne, Alexander Cromme, Sir Andrew Runchisman and (Sir John Cristisone), notary. 136 *b.*

388. Instrument narrating that David Freser in Gareaucht furd gave up all right and claim of property in and to the lands of Cornabo, lying in the lordship of Monimvsk and sheriffdom of Aberdeen, to Duncan Davidsoun, heritable lord of the same, and also David renounced litigation for himself, his heirs, etc. ; for which renunciation Alexander Robertson faithfully obliged himself, upon oath, to pay to David Freser 10 merks at Michaelmas next and another 10 merks at Candlemas following ; and David acknowledged himself fully paid by Alexander R. in name of Duncan Davidson of the sum of 40 merks for redemption of said lands from the hands of David F., his heirs, etc. Lastly, Duncan Davidson appointed Mr. Henry Lummisdane, rector of Tannides, his procurator to compear before the Archbishop of St. Andrews, his commissaries, bailies or vicars general, to resign the lands of Carnabo as in the hands of the superiors thereof in favour of Alexander Robertson, his heirs, etc., in feu farm and heritage, rendering to the superior and his successors

the things due and wont; upon which resignation so made Alexander Robertson obliged himself to pay to Duncan Dauidsone the sum of 40 merks Scots, besides the above sum of £140 paid and to be paid, within two years after the infeftment of Alexander, namely, 20 merks in the first year and 20 merks in the second year, and Davidson shall allow to Robertson the whole rent paid by him to D. except five merks of the rent of the lands in part payment of the 40 merks. Done at Glesso 5th July 1545. Witnesses, Alexander Irving, Malcolm Fresser, Sir Gilbert Robertson, chaplain, Master William Johnstoun, notary, and (Sir John Cristisone), notary. 137 *a.*

389. Instrument narrating that Alexander Mackanis, one of the executors of John Abircromme and elder german (*germanus senior*) of the same, gave up all right and claim he has to all the goods of the late John, his brother, to Andrew Freser of Stanevod, and appointed him cessioner and "donator" of all the goods of his late brother and of his tenancies. Done at Aberdeen 4th July 1545. Witnesses, Gilbert Fresser, George Wrre, Sir David Reche and (Sir John Cristisone), notary. 137 *b.*

390. Instrument narrating that John Chalmer of Balbuthane compeared upon the ground of his lands of Brodeishaucht, lying near the water of Done in the sheriffdom of Aberdeen, and there he solemnly named and appointed John Chaulmer, his son, as his lawful assignee of all the lands of Brodeishaucht; and in token of the premisses, the said John Chaulmer, feuar of the lands, inducted John Chalmer, his son, into possession of the lands according to the assignation and charter thereupon and gave sasine with his own hands. Done on the lands 24th July 1545. Witnesses, Alexander Chaulmer of Balnacrag, John Abell, Duncan Chaulmer, Andrew Rechisman and (Sir John Cristisone), notary. 138 *a.*

391. Instrument narrating that on the same day John Abell, one of the bailies of Kintoir, inducted Elizabeth Macke, spouse of Duncan Chalmer, into possession in liferent of seven roods of their lands, lying in the burgh of Kintoir, on the resignation of said Duncan, his frank tenement being reserved. In like manner, the said bailie inducted Elen Anderson, spouse of Abraham Smart, in liferent possession of one rood of their lands lying on the north side of the burgh of Kintoir, between the lands of Thomas Mill on the west and the lands of William Baxtair on the east, on the resignation of said Abraham, reserving his franktenement. Done upon the lands as above. Witnesses, James Keyth, William Duf, Andrew Kelle, Fergus Davidson and (Sir John Cristisone), notary. 138 *a.*

392. Instrument narrating that James Skeyne in Bandodill and Jonet Lummisdane, his spouse, appeared upon the ground of the lands after mentioned, holding in their hands a precept of sasine by Andrew Freser of Stanevod with consent of Andrew Freser, his son and heir apparent, directed to Mr. Matthew Lumisdane, bailie in that part, whereby Andrew, with consent foresaid, sold and alienated to James Skeyne in Bandodill and Janet Lummisdane, his wife, in conjunct fee and the longer liver of them and the heirs between them lawfully procreated, whom failing the heirs of said James and his assignees whomsoever, that yearly feu ("*feodum*") or yearly feu farm of 35 merks 6s. 8d. due to the granter, his heirs, etc., yearly, and payable from the lands of Wester Corse and Norhame in the parish of Cowle and sheriffdom of Aberdeen, with the superiority of said lands to be held in chief of the queen and her successors, kings and queens of Scotland. Dated at Mykall 13th May 1546. Witnesses to the precept, Gilbert Fresser, Sir John Cristisone, chaplain, Alexander Cheyne and John Curre. After the precept was read the bailie gave possession, in token of which he chose an ox of a black colour valued at three merks and a half. Done on the lands 31st May 1546. Witnesses, Patrick Forbes of Cors, George Wrre, Alexander Burnet, David Halicat, Duncan Alexanderson and (Sir John Cristisone), notary. 138 *b.*

1546.

393. Instrument narrating that Margaret Cheyne, relict of the late Thomas Myll, spouse of Gilbert Knox, with his consent renounced all her right and claim to the lands of Auquhat and Blairmyll in a clause of warrandice of said lands of Auquhat, lying in the barony of Stanevod and sheriffdom of Aberdeen, alienated to her by Andrew Freser of Stanevod, and she acknowledged herself fully paid of the sum of xii^{xx} and ten merks delivered by William Freser, as procurator in name of Andrew Freser, his father, in complete fulfilment of all things contained in a reversion made by the late Thomas Myll, her spouse, and herself, except a letter of tack and bailiary of the lands of Miltiffere (Mill of Tiffrie), lying in the barony of Kynmunde and sheriffdom of (Aberdeen), for the space of five years from this date; renouncing the lands at any time future, except the tack of the mill and the lands of the same, of Miltiffere. Upon which William Fraser in name of the said Andrew, his father, and Andrew Fraser, laird, younger of Stanevod, asked instrument. Done in the parish church of Ellon at the high altar there 6th June 1546. Witnesses, John Cheyne of Arnage, Thomas Annand of Auchterellon, James Skeyne, Gilbert Annand, James Buchan and (Sir John Cristisone), notary. 139 *b.*

394. Instrument narrating that Duncan Stratauhyne in Petmone appeared personally on the lands of Knocharne underwritten with a precept of sasine by John Straquhyn of Lenturk and directed to Gilbert Straquhyn, his bailie, whereby the said John sold and alienated to Duncan Straquhyne in Petmone, his cousin (or kinsman), his heirs, etc., his lands of Knocharne, lying in the barony of Clune and sheriffdom of Aberdeen, to be held in chief of George, Earl of Huntlie, as narrated in a charter made thereupon. Dated at Monimvsk 26th May 1546. Witnesses to the precept, William Wrre, John Wrre, Sirs John Reid and John Cristisone, notary. Which precept being presented to the bailie, he passed to the lands and gave possession in usual form. Done on the lands 30th June 1546. Witnesses, Sir John Reid, Patrick Patersone, John Hauerson, William Myll and (Sir John Cristisone), notary. 140 *a.*

395. Instrument narrating that Alexander Skeyne of that Ilk compeared personally on the lands underwritten holding in his hands a precept of sasine of the multures and "sekyne" of all the lands of Knocharne, Kyrkton of Echt, Colquhorsy, the "outseitis," etc., by John Stratachyne of Lenturk, directed to James Skeyne in Bandodill as bailie. (*The precept is not engrossed, a blank of a page and a half being left for its insertion.*) The bailie then passed to the lands and gave possession in usual form. 5th July 1546. Witnesses, David Falconar, James Gordoun, Robert Crushank, Patrick Haye and (Sir John Cristisone), notary. 140 *b.*

396. Instrument narrating that John Cristisone *alias* Chapman passed to the personal presence of James Keyth, one of the bailies of the burgh of Kyntoir, and with due instance required him to give possession of six roods of land lying in said burgh on the south side, of which roods (four?) lie between the lands of the Bishop of Aberdeen on the east and the lands of Patrick Smart on the west, one rood lying between the lands of holy cross on the east and the lands of Sir David Waus on the west, and one other rood lying between the lands of the said Sir David Waus on the west and the lands of Thomas Myll on the east, in terms of an inquest of trustworthy burgesses; which lands formerly belonged to Thomas Cristisone (*Cf.* No. 369), father of said John, who died last seised in the lands. The bailie then passed to the lands and inducted the said John Cristisone *alias* Chapman into possession, under reservation of the franktenement of the lands to Isabel Kelle, mother of John, during her life. Done on the lands 12th July 1546. Witnesses, James Keyth, John Bissait, William Smale, Fergus Davidsone, Andrew Kelle, officer, and (Sir John Cristisone), notary. 141 *b.*

397. Instrument narrating that William Gordoun of Crago acknowledged that he had received from Alexander Gordoun of Strathoun 500 merks Scots for redemption of the lands of Revanis and mill of the same with croft, lying in Cromair in the sheriffdom of Aberdeen, formerly alienated to him by Alexander G., and he quitclaims and discharges the said Alexander, his heirs, etc., except a tack made to him by Alexander for certain terms, namely, "ane assedacioune of fermaling (? for maling) of the said landis"; and Alexander G. agreed to deliver to William a paper writ ("*cedulam papiream*") from William, Bishop of Aberdeen, promising to William a tenancy of two ploughlands within the bishopric of Aberdeen. Done at Crago 25th September 1546. Witnesses, William Wre of Petfeche, Master William Davidsone and Thomas Dalloquhy, notaries, and (Sir John Cristisone), notary. 142 *a.*

398. Instrument narrating that John Stratauhyne of Lenturkis appeared upon the lands of the manor of Lenturkis holding in his hands a precept of sasine from the royal chancery, under the quarter seal, directed to Duncan Stratauhyne, as bailie, whereby there is given to John Straquhyne of Lenturk, his heirs and assignees, the lands and towns of Lenturkis with mill and woods of the same, within the sheriffdom of Aberdeen, which lands formerly belonged to John S. and were resigned by him at Linlitquhow and are incorporated into one free barony to be called the barony of Lenturkis; a sasine taken at the manor place of Lenturkis, now built or to be built, to be sufficient for the whole lands; and ordaining the said manor place, built or building, to be the principal messuage of the barony. At Edinburgh 13th April 1546. After the reading of the precept the bailie passed to the lands of the manor place of Lenturkis and gave sasine to the said John S. in usual form and invested him by placing him in the principal messuage of said manor. Done on said lands 18th December 1546. Witnesses, Master Gilbert Stratauhyne, Alexander Stratauhyne, Alexander Davidsone, John Strachuhyne, William Sheres and (Sir John Cristisone), notary. 142 *a.*

399. The same day John Straquhayne passed to the lands of Litil Lenturk, lying in the parish of Loquhell within the sheriffdom of Aberdeen, and there with his own hands he inducted Beatrice Dunbar, his wife, in liferent during her life of the whole lands of Litil Lenturk according to a charter, made or to be made, to be held from him, his heirs, etc., in liferent, etc.; and he named and appointed her his assignee in and to all the grain, cattle, oxen and horses on the lands of Litil Lenturk; and in token of true possession of the assignee, the Laird of Lenturk chose an ox of a reddish colour. Done on the lands as above. Witnesses, Master Gilbert Stratauhyne, Alexander Davidsone, Alexander Stracquhyne, John Stratauhyne and (Sir John Cristisone), notary. 143 *a.*

1546-1547.

400. Instrument narrating that William Freser, son of Andrew Freser of Stanevod, for certain reasonable causes, renounced all title and claim to the lands of Ester Corske with mill, lying in the barony of Mvk(all) and sheriffdom of Aberdeen, in favour of Sir David Reche. Andrew Freser of Stanevod acknowledged that he had alienated to Sir David Reche the said lands and mill upon a reversion, and he ratified the alienation by his own subscription and seal; and Sir David shall not be molested in the lands until they are lawfully redeemed, according to the reversion which they promised to fulfil. Done at Mvkall 30th January 1546. Witnesses, Sir Thomas Mvkart, Gilbert Fresser, Alexander Touht, John Reche and (Sir John Cristisone), notary. 143 *b.*

401. Instrument narrating that Andrew Freser of Stanevod, in the event of death, named and solemnly appointed William Freser, his second son, as his true and undoubted executor in and to all his goods, moveable and

immoveable, after his death ; and when the said Andrew was accused and required by the notary to discharge his conscience of goods alleged to be intromitted with by him in the town of Auquhat, declared to belong to Alexander Toucht, he answered that there were grain and oxen in Mvkall to pay Alexander. Done in the chamber of said Andrew in the fortalice or "cheme" (?) of Mvkall 21st February 1546. Witnesses, Gilbert Fresser, Alexander Fresser, Gilbert Toucht, and (Sir John Cristisone), notary. 143 *b.*

402. Instrument narrating that John Cristeson, indweller of Kintoir, sold to Patrick Smart six roods of his lands lying in the said burgh of Kyntoir ; and Patrick S. acknowledged that he had received from John Abell, bailie of said burgh, the sum of 11 merks Scots in lent money, which sum he faithfully promised to repay within the year next following, otherwise he acknowledged that he had wadset the rood of his lands lying nearest to the lands of John Abell to be held and possessed until the said sum shall be paid. [*A blank of two-thirds of a page follows.*] At Kintore 21st February 1546. Witnesses, William Duff, John Bissait, Thomas Myll, Fergus Davidson. 144 *a.*

1547.

403. Instrument narrating that James Gordoun, tenant of Carnbrogy, personally acknowledged that he had received from Andrew Fraser of Stanevod the sum of £12 for goodwill and his title and right of the four oxgates of lands of Carnbrogy, and renounces all right in and to the tenancy of the said oxgangs so that Andrew F. may dispose of them at his pleasure at Whitsunday next, except the grain of the present year's crop and his cattle ; and he obliges to remove himself and his goods at Whitsunday. James G. also discharges Andrew F. and John Curre, his cautioner, of the sum of 8 bolls of meal promised to him by decreet arbitral. Done at Mvkall 16th May 1547. Witnesses, Master John Gordoun, William Gordoun, Alexander Touht and (Sir John Cristisone), notary. Lastly, James G. being advised, compeared before the notary and explained that he would not discharge Andrew Fraser and John Curre of the 8 bolls of meal unless they should exoner him of all things contained in a decreet arbitral by Mr. Mathew Lummisdane, James Skeyne, Alexander Fraser in Clyntertay, Sir David Reche and Sir John Cristone ; on this condition he discharged the said Andrew and John and not otherwise. Done at Mvkall. Witnesses as in preceding minute. 144 *b.*

404. Instrument narrating that James Gareauht of Kinstair passed to a certain "ward dyik" ("*fossam*") newly built, as he asserted, at the command of William Master of Forbes, between the town of Kynstair on the west side and the town of Ausballo, contrary to law, making new encroachment and hindrance to James and his tenants in their pasture used and wont ; and in token of impediment, he complained that he was robbed and spoiled, and protested solemnly that the building or construction of the dyke should not prejudice him and his heirs as to their right. And in like manner, he passed to another dyke or other dykes built by Alexander Forbes of Tolleis by his order and by the tenants of Polflug on the east side of the town of Litill Endovy, making encroachment and hindrance to James and his tenants with their animals in their pasture, used and wont, contrary to law, which they ought not to do ; and in token of impediment of the said dykes, he caused to be cast down to the ground two or three turfs, and likewise protested for spoilation and remedy of law at time and place fitting, and they should not prejudice his right. Done at the "ward dykis" successively, between Kynstair and Asbello, at 11 a.m., and at the dykes between Litil Endwy and Polflug at 3 p.m., 14th June 1547. Witnesses, Andrew Fresser of Stanevod, Alexander Touht, Floremund Fresser, Thomas Banerman, John Curre and (Sir John Cristisone), notary. 145 *a.*

405. Instrument narrating that Andrew Fraser of Stanevod, for the filial love which he bears to Elizabeth Fraser, his daughter, gave and delivered to her three cows with three calves at their feet, two of a reddish colour and one black and three "quiakis," two of a reddish colour "brandit quiakis" and one of a black colour, and this by agreement, and also by touching the animals in his presence and at his command in token of true possession; also by touching their horns and ears and the products of the animals in any future time without hindrance from him, his heirs, executors and assignees, so that the said Elizabeth may dispose of the animals at her will. Done at the "cowbyir" of Mvkall 11th July 1547. Witnesses, Alexander Touht, William Touht, William Bayne and (Sir John Cristisone), notary. 145 *b.*

406. Instrument narrating that Patrick Frost exonerated Alexander Touht of a certain promise by him that he should cause Andrew Fraser of Stanevod to pay to him all debts owing to him by Andrew, and he shall have no action against Alexander on account of that promise; and the said Alexander and John (*sic*, *lege* Patrick) quitclaim and discharge each other of all debts and accounts between them at any times past before this date. Done at Mvkall 8th September 1547. Witnesses, Alexander Cheyne, John Pere and (Sir John Cristisone), notary public. 145 *b.*

407. Instrument narrating that William Gray in Terves and Richard Douglas became cautioners in name of William Toux in Carnbrogy for paying and delivering to Andrew Fraser of Stanevod the sum of £20 Scots; and in token of relief of the said cautioners, William Toux delivered to William Gray all his goods, moveable and immoveable, for relieving and keeping scatheless the cautioners at the hands of Andrew Fraser; for which reason William Gray faithfully promised to keep Richard Douglas scatheless of the said sum at the same hands. Done at Mvkall 21st October 1547. Witnesses, Gilbert Touht, William Fresser, Alexander Touht, Gilbert Chyne and (Sir John Cristisone), notary. 146 *a.*

408. Instrument narrating that Mr. Duncan Forbes offered to James Touht and his mother to occupy and labour the tenancy of the mill and mill lands of Touht until Whitsunday next following without violence, for payment to him, Mr. Duncan, the rents and profits used and wont and as he had been accustomed to pay, and if they wish to pay the profits of said tenancy he promised to warrant them at the hands of those having interest, as law will, and also he promised to deliver to them the goods and cattle attached for the rents. Done at Mvkall 23rd November 1547. Witnesses, Masters Walter Styvart and Thomas Davidson, notaries, and (Sir John Cristisone), notary. 146 *a.*

409. Instrument narrating that John Forbes of Tullegovne and Agnes Turing, relict of John Forbes of Tullegovne, acknowledged that they had received from the relict of David Gordoun in Clochack an acquittance of Katrine Forbes, daughter of the said late John F., of her bairn's part, and also two testaments concerning John Forbes of Auhmaquoy and Beatrice Turing; and they promised to warrant the relict of the late David G. against all having interest, and also the executors of David and intromitters with his goods, and specially the testaments. Done at the parish church of Kemnay 1st December 1547. Witnesses, William Gordon, Alexander Gordon and (Sir John Cristisone), notary. 146 *b.*

1547-1548.

410. Instrument narrating that Margaret Stewart (? Scot) in Carnbrogy discharges and quitclaims Andrew Fraser of Stanevod, his heirs and executors, of seven cows with calves and three cows with calves at their feet, one ox and seventeen brood sheep intromitted with by him, alleged

to belong to her by reason of her father's legacy, for which goods Andrew F. was attached and cited to the court of the Sheriff of Aberdeen, on condition that the said Andrew will be to her a good master and shall lease or at least permit her to hold and occupy a certain part of the tenancy of Carnbrogy ; and she also renounces all right and claim in and to the cattle, and revokes any assignations to the goods. William Fraser, son of Andrew, asked instrument. Done at Mvkall near the gate thereof 17th January 1547. Witnesses, Alexander Toucht, John Curre, William Freser and (Sir John Cristisone), notary. 146 *b.*

1548.

411. Instrument narrating that William Maling, officer in that part, passed to the lands of Megstraucht, within the shire ("*schiram*") of Byrse, and at the principal house of Megstraucht he imposed a "stress" in sign of removal of Jonet Collesone, John Irving and other dwellers in the tenancy, so that Alexander Gordoun of Strathoun, tenant of the tenancy, may have free ingress ; and he likewise put out of the house a tin (or pewter) plate of the goods of the said indwellers ; thereupon Jonet and John claimed ("*voucbant*") the tenancy of Megstraucht at the peril of law, and in token of the same they placed the said plate and "ly stress" in the house. Lastly, Jonet Collesone called the officer before her and asked from him the truth how William, Bishop of Aberdeen, sent him to have a certain gratitude from the tenancy. The officer explained, in the vernacular : "Forsyuth the bischope send me to zou to command and bid zou deliuer ther gratitud as wtheris did for the tackis of Megstraucht and it would mack zou ane titill to the tackis." Done at Megstraucht 23rd May 1548. Witnesses, Master Robert Skeyne, Alexander Ross in Tullesmacht, Andrew Malcum, Henry Symmyr and (Sir John Cristisone), notary public. 147 *a.*

412. Instrument narrating that Mr. Mathew Lummisdane of Tullecarne appeared on the ground of the lands of Litil Lenturk, Brigend ailhouse and ailhouse croft, lying in the parish of Loquhell and sheriffdom of Aberdeen, with a precept of sasine directed from the royal chancery under the quarter seal ; which precept [*not inserted, though a blank of more than a page is left for it*, but see "Registrum Magni Sigilli," Vol. IV., No. 238] he presented to James Skeyne as bailie, who after the precept was read gave sasine of the lands in usual form, and in token thereof chose a horned ox of a black colour valued by trustworthy persons at £3 Scots. Done on the lands 7th August 1548. Witnesses, Alexander Forbes in Tolmad, James Gray, John Patersone, David Moress and (Sir John Cristisone), notary. 147 *b.*

[*Three blank pages follow.*]

413. Instrument narrating that Alexander Robertsone compeared on the ground of the lands of Cornabo, in the lordship of Monimvsk and sheriffdom of Aberdeen, with letters "*sedis apostolice Sancti Andreee*" (*sic*), etc., in the form of a precept of sasine [*not inserted, but a page and a half blank*], which he showed to William Robertson, the bailie named, who passed to the lands and gave possession in usual form, choosing in token of sasine an ox of a reddish colour valued at 5 merks. Done on the lands 13th November 1548. Witnesses, William Reche, Thomas Robertson, James Quisne, David Robertsone and (Sir John Cristisone), notary. 150 *a.*

1548-1549.

414. Instrument narrating that Elen Patersone in Lunkfurd, in the parish of Dauiot, appointed Alexander Myll, her first born son, her procurator, to compear before William, Bishop of Aberdeen, or his chamberlain, on

any day or place to resign and deliver up her tenancy of four oxgangs of Lunfurd in the bishop's hand in favour of the said Alexander, her son, and to place his name on the bishop's rental and to delete her name. Lastly, Alexander M. obliged himself, his executors and assignees duly to maintain the said Elen, his mother, in meat and drink, food and clothing as long as she lives. Done at Dauiot 12th February 1548. Witnesses, Sir Robert Allardes, vicar of Auchterles, Master Andrew Lesle, Sir William Gledstanis, Robert Scot and (Sir John Cristisone), notary. 151 *a.*

415. Instrument narrating that Sir William Ray and Sir Alexander Oistes acknowledged themselves each fully paid by Sir William Chalmer, factor of the rector of Kynkell, for their pensions for the three years 1546, 1547 and 1548, extending to 15 merks in each year, although Sir Alexander protested for a larger sum of his pension against the rector of Kinkell; of which sum of 15 merks for each year they discharge Sir William C., with a protest by Sir Alexander Oistes for the remainder of his pension due by the rector of Kinkell. Done at Kintoir 14th February 1548. Witnesses, Sir Robert Allerdes, vicar of Auchterles, John Spring, William Duncan and (Sir John Cristisone), notary public. 151 *a.*

1549.

416. Instrument narrating that Andrew Fraser of Stanevod compeared personally on the ground of the barony of Kynmundy, lying in the barony of Awdane, with a precept of sasine from William Earl Marischal which he showed to John Keytht, the bailie; which precept narrates that it clearly appears and is known that Andrew Fraser, son and heir of Andrew F. of Stanevod, is served, by brieves from the Queen's chancery, as lawful and nearest heir of the said late Andrew, his father, of the whole lands of Kynmundy, lying in the Earl's barony of Avdane within the sheriffdom of Aberdeen, and that the persons upon the inquest in the serving of the brieves retoured that the lands were held of the Earl as superior by the service of ward and relief, and that they were in his hands for the space of two months, as more fully contained in letters retoured to chancery; upon which letters the Queen directed compulsory brieves to the Earl, as superior, commanding him to grant sasine to the said Andrew in the lands and to receive him as his tenant; the Earl directs John Keyth, John Forbes or James Keyth, as bailies, to give possession. Dated at Keyth Marischell 1st November 1549. Witnesses to the precept, Robert Melving of Hervistoun, Robert Keyth, Monan Hog, Master William Lawedor, notary. After the reading of the precept, the bailie passed to the lands and gave possession to Andrew Fraser by earth and stone and by placing him in certain houses of the towns of the barony and in the principal messuage of Kynmundy, in token of which the bailie chose an ox valued at £4. Done in Kynmunde and in all the towns of said barony between 1 and 5 p.m. 8th November 1549. Witnesses, James Keyth in Mylboy, John Forbes, Robert Curre, Master Thomas Fresser, notary, and (Sir John Cristison), notary public. 151 *b.*

1549–1550.

417. Instrument narrating that Duncan Dauidsone and Elizabeth Malcum, accused by a temporal assize at Clatt that they were affianced (?), compeared personally before the Dean of Gareaucht with certain compurgators, honest men, who upon oath purged them with canonical purgation that there was no carnal intercourse between Duncan and Elizabeth, and each of them exonerated the other of marriage and that neither of them desired to complete marriage with the other. Done at the parish church of Lesle 18th January 1549. Witnesses, Sir Robert Allerdes, dean of Gareaucht, young laird of Leslie, George Leslie of New Lesle, George Leyth and (Sir John Cristisone), notary. 152 *b.*

418. Instrument narrating that Alexander Blake *alias* Donald passed to the principal house in which Sir William Ray dwelt in the burgh of Kyntoir, and there warned Sir William to remove himself and his goods from the lands which he held, between the lands of the rector of Kinkell on one side and the lands of William Duncan on the other, at Whitsunday next under pain of law. 28th January 1549. Witnesses, Andrew Ewyne, John Abell, William Duncan, Fergus Davidson, officer, and (Sir John Cristisone), notary. 152 *b.*

419. Instrument narrating that Alexander Cheyne appeared upon the ground of the sunny half of the lands of Ester Echt, in the barony of Mvkal and sheriffdom of Aberdeen, with a precept of sasine from Andrew Fraser of Stanevod (*not ingrossed, a page being left blank*), which he showed to John Curre, bailie, who, after the precept was read, passed to the lands and gave possession to Alexander Cheyne, choosing in token of sasine an ox of a reddish colour valued at 35s. Done on the lands 7th February 1549. Witnesses, Andrew Crag, Andrew Roust, Alexander Crag, Alexander Thome, John Sherauld and (Sir John Cristisone), notary. 152 *b.*

420. Instrument narrating that John Abell, one of the bailies of the burgh of Kintoir, in terms of an inquest of co-burgesses of said burgh, passed to the lands of the "Quhitis croft" lying on the south side of said burgh between the lands of Henry Hervy on the east, the lands of William Baxtair on the west, the lands of Andrew Kelle on the south and the highway on the north, and there at the request of Thomas Kelle, heir apparent of the lands, inducted him into possession in usual form. Done on the ground 11th February 1549. Witnesses, James Keyth, Duncan Keyth, Patrick Smart, John Anderson, younger, Thomas Myll, Andrew Kell and Fergus Davidson. 153 *b.*

421. The same day Thomas Kelle, so infeft in the lands of "Quhitis croft," resigned them in the hands of said bailie in favour of Henry Hervy, his heirs and assignees, to be held in free burgage. The bailie then at the request of Henry gave him possession of the lands. Done as above. Witnesses as in preceding minute. 153 *b.*

422. Instrument narrating that John Andersone in Kyntoir, elder, resigned four roods of his lands, of which two with yard (and) granary lie on the south side of the burgh between the lands of the said John on the east, the lands of William Baxtair on the west, the burn of Towak on the south and the highway on the north; and one rood, called "Lammeis" rood, lying on the north side of the burgh between the lands of Thomas Myll on the east, the lands of holy cross on the west, and the lands of the thanage and highway on the south and north; and one other rood lying between the water of Don on the north, the lands of Patrick Smart on the south, the lands of Andrew Sherar on the east and the common land of the burgh on the west, in favour of Margaret Philp in liferent; lastly, he resigned two roods lying near the first two roods of the lands. and two other roods lying between the lands of Andrew Sherar on the east, the lands of William Alexander on the west, the burn of Towak on the south and the highway on the north, in number eight roods (in all), into the hands of James Keyth, one of the bailies of the burgh, in favour of John Anderson, his son, reserving to himself the franktenement of said eight roods during his life; which resignations being made, the bailie placed the said John Andersone in possession of the eight roods, reserving the franktenement of the eight roods to the elder John, and of the four roods first specified to the said Margaret Philp while she lived. Date not given, perhaps same day as previous writs. Witnesses, John Abell, Patrick Smart, Thomas Myll, Andrew Kelle, Fergus Davidson and (Sir John Cristisone), notary. 154 *a.*

423. Instrument narrating that Margaret Crushank, relict of the late Alexander Keytht in Awquhorsk, acknowledged that she had received from Andrew Freser of Stanevod the sum of £100 Scots in complete payment of the redemption of the lands of the middle third of Clyntertay, lying in the barony of Stanevod and sheriffdom of Aberdeen, and for the redemption of the lands of Innerale (or Innerade) (Innerveddie?) alienated to her in a clause of warrandice; of which sum of £100 she quitclaims the said Andrew, and she gives up all right and claim to the lands excepting a tack for the space of three years following this date of the lands of the middle third of Mekill Clentertay. In token of which redemption, discharge and renunciation she delivered to the said Andrew two charters, two precepts of sasine and instruments of possession. Done at the parish church of Kintoir 11th February 1549. Witnesses, William Wrre of Petefeche, James Skeyne, Master Mathew Lummisdane, Thomas Irvyne, Alexander Cheyne and (Sir John Cristisone), notary. 154 *b.*

424. Instrument narrating that John Brabnair and Andrew Brabnair, burgesses of Aberdeen, acknowledged that they had received from Andrew Freser of Stanevod the sum of 300 merks money Scots, in complete payment of redemption of the lands of Sauchauk (Savock), lying in the barony of Kynmunde, and of certain other lands in a clause of warrandice, excepting letters of tack and bailiary of the lands made by said Andrew F., and they quitclaim him of the said sum. Also Lesle, spouse of Andrew Brabnair, also exonerates Freser, and acknowledges the lands to be duly redeemed. The said John and Andrew B. and Andrew's spouse quash and annul any acts and writings made in the consistory of Aberdeen. They also renounce all right and title in the said lands of Sauchauk. Done in the church of St. Nicholas of Aberdeen by the two Brabnairs and Freser, and as to the consent of Andrew B.'s wife, at his house. 24th February 1549. Witnesses, Master Robert Lummisdan, Alexander Fresser in Clintertay, John Curre, John Blakhall, Master Thomas Fresser, (Sir John Cristisone), notary public, and William Wrre of Petfeche. 155 *a.*

425. Instrument narrating that Mr. John Freser acknowledged that an arrestment placed upon the grain and goods of the late Andrew Freser of Stanevod in the manorplace of Mvkall by letters from the queen, or the sheriff of Aberdeen, obtained at the instance of Mr. John F. himself at the request of Andrew Freser of Stanevod, was released, so far as the said Andrew has interest with the goods and grain, as for his part only, because the said Andrew F. became cautioner as for his part for his interest with the goods of Mvkall, subjected himself to law and bound himself to answer to Mr. John as law requires. Done at Aberdeen in the house of Mr. Robert Lummisdane 24th February 1549. Witnesses, Master Robert Lummisdane, William Wrre of Petfeche, John Blakall and (Sir John Cristisone), notary public. 155 *b.*

426. Instrument narrating that Agnes Mathesoun, uncompelled, as she asserted, appointed Fergus Dauidsone and Andrew Sherair as her procurators for resigning four roods of her lands on the south of the burgh of Kintoir, of which two lie between the lands of John Abell on the east and the lands of the chaplains of the choir of the Cathedral Church of Aberdeen on the west, and two roods lie between the lands of John Abell on the south and the lands of Andrew Sherair on the north, into the hands of one of the bailies of the burgh, in favour of John Abell, to be held in free burgage; and this with consent of Mr. Alexander Barclay, spouse of said Agnes, for his interest; to be held to John Abell, his heirs and assignees, and to Elen Traill, his wife, with him in liferent or conjunct fee. Done at Aberdeen 8th March 1549. Witnesses, Andrew Sherar, John Edmond and (Sir John Cristisone), notary. 155 *b.*

427. Instrument narrating that Fergus Dauidson, procurator for Agnes Mathesone and Mr. Alexander Barclay, her spouse, appeared personally on the ground of the four roods,—described as lying within the territory of the burgh of Kintoir on the south side of the same, two roods between the lands of John Abell on the east, the lands of the chaplains of the Cathedral of Aberdeen on the west, the royal lands or lands of the thanage and the highway on the north and south, and also upon two roods lying on the same side of the burgh between John Abell's lands on the south, Andrew Sherair's on the north, the highway on the east and the common land of the burgh on the west,—and resigned the said roods in the hands of James Keytht, one of the bailies of the burgh, in favour of John Abell and Elen Traill, his wife, in terms of their charter: which resignation being made, the bailie, at the request of John and Elen, gave them possession and sasine of the lands in due form, and to the longest liver of them in free burgage, upon a reversion for the sum of 30 merks money. Done on the lands 12th March 1549. Witnesses, Patrick Smart, James Kelle, Alexander Keyth, Thomas Myll, Andrew Rechisman, Andrew (*sic*) Rechisman, (Sir John Cristisone), notary public, and Andrew Kelle, officer. 156 *a.*

1550.

428. Instrument narrating that Alexander Scot, burgess of Aberdeen, acknowledged that he had received from John Cristisone, dyer, the sum of £13 Scots and 18s. in name of Robert Scot according to an act in the tolbooth of Aberdeen, and also the sum of £3 and 18s. owing to the said Alexander, in complete payment of all debts due to Alexander S. by the said John Cristisone before the present date, and he exonerates the said John of these sums and others due. Done at Aberdeen 19th April 1550. Witnesses, Thomas Andrew, Thomas Sherar and (Sir John Cristisone), notary public. 156 *b.*

429. Instrument narrating that Adam Hyll, officer or bailie in that part, in terms of a precept under the signet of William, Bishop of Aberdeen, inducted by rope and thatch ("*per funem et tectum*") John Keyth and Agnes Blyth in four oxgangs of lands of Petblayne, Andrew George and Agnes Johnsoun in eight oxgangs of the same, and William Matris and Cristina Blyth in two oxgangs: Patrick Quhit and Katrine Clark in four oxgangs (of the lands of Pettinovn), John Findlay and Margaret Duncanson in four oxgangs (of the same), John Philp and Agnes Blyth in four oxgangs, John Vaulcair and Margaret Smyth in four oxgangs, Alexander Strauht and Isobella Patersone in two oxgangs, John Patre (?) and Elizabeth Patersone in two oxgangs, and Thomas Andersone and Isobella Hyll in two oxgangs, (all) of the lands of Pettynovn, and either of them or the longer liver of them for space of 13 years; and he inducted the said persons separately and successively either of them and the survivor during the years and terms of their tacks by rope and thatch. Done on the lands of Petblayne and Pettynnovn 23rd April 1550. Witnesses, Master Andrew Lesle, vicar pensioner of Daviot, Thomas Davidsone, John Mvrdo, William Philp and (Sir John Cristisone), notary. 156 *b.*

430. Instrument narrating that Mr. Andrew Lesle, parish clerk of Dauiot, demitted and resigned all claim of right or title he had to the office of clerkship of Dauiot into the hands of the parishioners, viz.: Thomas Davidsone, Malleta Elphinstoun, Andrew George, John Keyth, William Matheris, William Philip, William Brviss, John Jhonstone, John Davidsone, Andrew Criste, John Mvrdo, William Senzeour, William Styll, David Senzeour, William Duncane, William Wdo, John Patersone, Agnes Criste, Besseta Philp, David Hyll, John Sowtar, John Andre, John Couper, Thomas Kempe, Andrew Duncan, Elizabeth

Cromme, lady of Glak, William Duncan, David Sowtar, Henry Maling, Jonet Kyng, Alexander Johnston, Andrew Johnston, Malleta Criste, James Duncan, William Criste, Andrew Blyth, Cristian Litiljohnne, Mariota Banerman, Andrew Duncan, John Clark, William Endeauht, George Andersone, Alexander Hauersone, Thomas Mvrdo, Alexander Fudes, John Broun, Ebbota Criste, William Brovistar, William Hauersone, Alexander Strath, John Philp, Thomas Andersone, William Duncan, John Findlay, James Wobstar, John Patre, John Waulcar, Patrick Quhit, Andrew Howe, William Bennet, Gilbert Styll, William Hyll, Andrew Maling, Adam Hyll, Jonet Hyll, John Patersone, Alexander Cowit, James Chapman, Andrew Davidsone, Elizabeth Maling, John Nicholl, John Findlay, Alexander Davidsone, Thomas Davidsone, James Myll, Thomas Myll, Alexander Myll and William Myll, as parishioners of Dauiot in the diocese of Aberdeen, who then, at least the larger and wiser portion of them, gave their elections and votes to John Lesle, student in Aberdeen, or to Mr Andrew Lesle, as it may please him, and they chose John L. or Mr. Andrew, at the will of Mr. Andrew, as their parish clerk by the resignation, demission or death of Andrew Beyth, or by whatever title held by the said Mr. Andrew or in whatever way it shall happen to vacate. Done within the said parish between 8 a.m. and 5 p.m. on 23rd April 1550. Witnesses, John Mvrdo, Thomas Davidsone and (Sir John Cristisone), notary. And also Mr. Andrew promised on the confirmation of the said office of parish clerk to himself or John Lesle that William Philp should be admitted to the office of clerk depute. Witnesses as above. 157 *a.*

431. Instrument narrating that Thomas Dauidsone in Balhagarte, Robert Dauidsone, his son, and James Mill have agreed as follows :—"That is to sa, the said Thomas Dauidsone hes contrackit Thome (*sic*, *l.* Robert) Dauidsone his sone with his avne consent that the said Robert sall compleit the band of mareage with Katrine Myll douhter to the said James betwix the dait heir of and the feist of Sanct Johne callit mydsymmyr"; for which "band and thocher guidis" Thomas D. gives up presently all his right "to his tene oxin gang cornis of Balhagarte bath beir and aitis and all maner of plenesing thairof and the cornis thairof sawne and to be sawne this present zeir and all his insycht and outsycht and all his guidis movable and immovable," making Robert his cessioner with full power to "enter and tack his auht oxingang tack of Balhagarte band togidder" and enter thereto at Whitsunday next. He also gives his goodwill of his other two oxgang tack, which belonged to William Jamesone, with Robert's consent, equally to John Jamesone and Alexander Jamesone, they to enter and be rentaled thereto at Whitsunday next; for which corns of the ten oxgang "insycht," etc., Robert D. binds and obliges himself, his heirs, etc., to pay to Thomas D, his father, 20 merks presently and other 20 merks within two years following, and failing Thomas D. by decease or by absence, the 20 merks to be paid to his "barnis" equally amongst them. Moreover, Robert shall pay to the "thre madane barnis" of Thomas as they shall need, within the next seven years, as they shall need, to be considered by their tutors or curators, the sum of 80 merks. Robert also has promised to marry Katrine at the term stated. All which the parties have obliged themselves to fulfil. Done in the Cathedral Church of Aberdeen in the cell of St. Machar 30th April 1550. Witnesses, John Reche in Aberdeen, William Senzeour, Patrick Myll, William Gardyne and (Sir John Cristisone), notary public. 157 *b.*

1549.

432. Instrument narrating that Alexander Gordoun of Strathoun, on the one part, and Andrew Fraser of Stanevod, on the other part, agree to submit to the decreet arbitral of Alexander Fraser in Clintertay, Mr. John Fraser, burgess of Aberdeen, Mr. Mathew Lummisdane of Tullicarn and William

Gordoun at Sauhyne, as arbiters, with advice of John Wod of Belbegno, as to the marches of certain debateable lands between the lands of Mvkall and barony of the same on one side, and the lands of Park of Clune, "peill" or manor place of the same, Skipperte with pertinents, on the other side. The arbiters having accepted the burden of decision, being sworn, by advice of John Wod, passed to the said debateable lands of Mvkall Drumnahoy and park of Clune, Skipperte, Peyll and barony, and having considered the petitions and proofs concerning the marches of the lands with the evidence of trustworthy and elderly men, and also of the parties for the bounds and limits, they delimited and marched the lands thus: "Begynnand at the burne betuix Mvkall and Cragerne at the quhilk burne one the vest bank the Jugis maid ane hoyll in the Erd and put in stanis for ane marche, the landis of Mvkall one the est, Peyll on the wast, and fra thyne ascending linalie be certan holis in the Erd to ane grit Erd fast stane at ane stryp and myir betuix the landis of Mvkall and the Park wod one the west part of the gett that passis fra the est end of the Park Vod to Mvkall and fra thyne ascendan linalie to (?be) holis and stanis put in be the said Jugis to ane brig in ane myr callit the brig of the stare myr and fra thyne ascending souhterle be holis and stanis in the Erd to ane grovand tre at the nedder end of bog or lowir stanis and holis thairatt and fra thyne ascending linalie souhtvest to (?be) holis and stanis to ane rownd dry hillok under the landis of Drumnahoye and the norht syid thairof and fra thyne descendane lynalie to the burne of Clune aganis the tovne of Skipparty and one the souhtest bank off the said burne anent the said tovne of Skipparte the said Jugis maid ane hoyll and put in stanis thair the landis of Drummnahoy and Mvkall one the souht part the landis of Park, Peyll and Skipparte one the norht part thairof, to stand and be methis and marchis perpetuale betuix the said landis, etc." Which arbiters and judges, with advice of John Wod, gave and pronounced their decree in manner stated and that in presence of the parties who, for themselves, their heirs and assignees, consented not to contradict but to ratify the premises and to affirm the decision and perambulation of the marches, obliging themselves by oath on the gospels never to come in the contrary on pain of perjury, etc. Alexander Gordoun of Strathoun also obliges himself to cause Alexander Gordoun, his first born son, to ratify and approve the premises in all points. Done on the debateable lands at 9, 10 and 11 a.m. and 2, 3, 4 and 5 p.m. 13th August 1549. Witnesses, Thomas Gordoun, John Wentoun, Alexander Touht, William Fresser, Gilbert Touht, David Lavell, Walter Vod, Master Thomas Fresser, notary, and (Sir John Cristisone), notary public. 158 *a.*

1549-1550.

433. Instrument narrating that Alexander Gordon of Clune, first born son and apparent heir of Alexander Gordoun of Strathoun, uncompelled and not misled by error, with consent of his said father ratified and affirmed all things in the immediately preceding protocol in the instrument of agreement, perambulation or delimitation of the marches of the lands and baronies of Park, Peyl, Skipparte and Mvkall in all points, obliging himself, his heirs, etc., for the fulfilment of the same. George Wrre, procurator for Andrew Fraser of Stanevod, asked instrument. Done at the Peel of Clune 4th March 1549. Witnesses, Master Robert Lummisdane, Thomas Gordoun, John Andersoun in Aberdeen, Jonet Grant and (Sir John Cristisone), notary. 159 *a.*

434. Instrument narrating that John Etkyn in the Knok, pursuing Duncan Mathesone, residing in Nedder Tullo, in presence of William, Lord Forbes, for restitution of a "quiack" of a reddish colour alleged to be unjustly intromitted with by the said John Etkyne (*sic*, but read Duncan

Matheson), there personally compeared John Touht, residing in Touht, who acknowledged that he had sold the "quiack" in the market ("*foro*") or fair of St. Serf last past, at the command of John Stratauhyne in Torreis, to the said Duncan Mathesone, as of the goods of the said John S., and he did not sell the "quiack" as his own but as John Stratauhyne's goods and at his order; he also asserted that John S. claimed the "quiack" as his own proper goods, and that he, John Touht, sold the "quiack" and delivered it to Duncane Mathesone. Done in the parish church of Monimvsk 5th March 1549. Witnesses, Patrick Bissait, James Touht, Patrick Cristisoun and (Sir John Cristisone), notary public. 159*a*.

435. Instrument narrating that Sir David Rethe (or Reche), vicar pensioner of Mydmair, acknowledges himself fully paid by Andrew Freser of Stanevod of all sums loaned before this date, except 10 merks owing by said Andrew to Sir David. Alexander Cheyne likewise acknowledged himself fully paid by said Andrew of all sums loaned before this date, and they discharge him, except the said 10 merks. And notwithstanding that Sir David is infeft in the lands of Nedder Corsky with mill and multures, in the barony of Mvkall and sheriffdom of Aberdeen, yet he acknowledges that the said Andrew, his tenants and others, shall not be bound to pay him, his heirs, etc., multures except the multures of the cottars specified in his evidents; and also Sir David shall remain content that if he or his heirs are absent from the receipt of money named in the reversion made upon the lands, on the day of warning, Andrew F., his heirs, etc., shall consign the sum in the reversion in the hands of the Laird of Mvkall to be kept for the use of Sir David, his heirs, etc., other points in the reversion being fulfilled. And Alexander Cheyne, notwithstanding that he is infeft in the lands of the sunny half of Ester Echt, lying as aforesaid (consents) that Andrew F., his heirs, etc., shall enjoy the privilege and profit of the mill called "Waulk myll" of Ester Echt, to be built as before, with all its privileges used and wont as the mill had in any time past. Done at Mvkall 11th April 1550. Witnesses, Thomas Irvyne, Andrew Crawfurd, Gilbert Knox, Robert Curre, and (Sir John Cristisone), notary public. 159*b*.

436. Instrument narrating that Isobella Foulair, daughter of the late William Foulair in Awquhite, exonerated Helena Symmyr, her mother, and William Foulair, her brother german, and others, as executors of the said late William Foulair, of her bairn's part and legacy from her father of his goods, because the said Helen and William are bound and have promised to pay on her marriage the sum of 100 merks; and also the said Helen faithfully promised to leave to Isobella in her last will, if she happen to die before Isobella, so much of her goods as to any child belonging to herself and to better her with her own goods at the time of her death. Upon which the said Helen asked instrument and that before Isobella completed her marriage. Done at Awquhite 9th May 1550. Witnesses, John Moyr, Jonet Stevert, John Moyr, younger, William Maling and (Sir John Cristisone), notary. 160*a*.

437. Instrument narrating that Patrick Gordoun, son of Alexander Gordoun, formerly of Sauchyn, compeared personally upon the ground of the lands of Mekill Sauchyne, lying in the barony of Clune and sheriffdom of Aberdeen, and presented to William Gordoun, bailie, a precept of sasine by George, Earl of Huntlie (*not ingrossed, a page being left blank for its insertion*), in terms of which the bailie passed to the lands of Mekill Sauchyne and gave possession to Patrick Gordoon, taking as token of sasine an ox of a reddish colour valued at 4 merks, 10s. Done on the lands 16th May 1550. Witnesses, Alexander Touht, William Couper, Thomas Rure, Andrew Rure and (Sir John Cristisone), notary. 160*a*.

1550.

438. Instrument narrating that Alexander Touht, for certain causes, solemnly appointed a young man, John Freser, son and heir of Andrew Freser of Stanewod, his assignee in and to eight oxgangs of lands of Auldtoun and Newtoun of Carnbrogy, lying in the regality of Abirbroth and sheriffdom of Aberdeen, for all the space of his tack and of all terms and years to come contained in his tack, with their profits, and this for the sum of 100 merks delivered to him and fully paid by Andrew F. of Stanevod; of which sum he holds himself satisfied and discharges Andrew F., his heirs, etc., so that the said John Freser shall dispone of the lands at his will in all time coming, and Alexander T. renounces all his right and title to the lands, constituting John F. his assignee. Alexander T. also consented to the loosing of an arrestment placed upon the rents of Carnbrogy, alleged to be arrested by the officer of the barony of Tervas, if any there were, and that the arrestment shall in future be of no effect, but Alexander acknowledges that the arrestment, if any were, was placed upon the rents of Carnbrogy for his part invalidly, and he promises to warrant the said Andrew Fraser and others having interest. Done at Aberdeen in the house of Mr. Robert Lummisdane 22nd May 1550. Witnesses, the said Master Robert Lummisdane, John Blakhall, Alexander Fresser and (Sir John Cristisone), notary. 161 *a.*

439. Instrument narrating that William Gordoun appeared personally on the ground of the lands of the mill of Sauchyne and Muirtoun, lying in the barony of Clune and sheriffdom of Aberdeen, with a precept of sasine of said lands with the multures of the same and of the mill from Patrick Gordoun (*Cf.* No. 437); which precept (*not ingrossed*) he showed to Alexander Touht, bailie, requiring sasine. The bailie then inducted William G. in usual form into possession of the said lands of the mill of Mekill Sauchyne with multures and of the lands of Myrtoun; and in token of sasine, the bailie chose an ox "halkit" of a black colour valued at £3 Scots. Done upon the lands 16th May 1550. Witnesses, William Couper, Thomas Rure, Andrew Rure and (Sir John Cristisone), notary public. 161 *b.*

440. Instrument narrating that Mr. William Davidsoun, infeft in the lands of Litill Sauchyn by David Dauidsoun, his father, by letters patent, namely, charter and precept of sasine, to be held of David, has received from Alexander Gordoun of Strathoun the sum of 105 merks Scots, and an obligation or acquittance of David D. made to Alexander of 15 merks, in complete payment of 120 merks for redemption of the lands of Litill Sauchyne, also letters of tack and bailiary of the same for the space of five years following this date, made and sealed by Alexander S. and Alexander, his son and apparent heir. William Davidsoun renounced all right and property to the said lands in future except to the tack, etc. William Wrre of Petfeche became cautioner under pain of £100 for delivering charter, precept of sasine, instruments of possession of the lands to Messrs. Robert Lummisdane, burgess of Aberdeen, and Alexander Kyd, commissary of Aberdeen, as judges specially appointed by the said Alexander S. and Mr. William to decern and consider if Mr. William should have a transcript or copy of said evidents before delivery of the same, and that between this and the feast of Holy Trinity next to come; and if it be decerned by the judges that they may be delivered without a copy, William Wrre obliged himself, his heirs, etc., to Alexander G. The said Alexander, notwithstanding the delivery of the said letters of tack and bailiary to Mr. William, his heirs, etc., protested that it should not prejudice himself, because David D. was held bound and obliged to renounce all right and property to the letters of tack and bailiary of the lands so soon as the 120 merks contained in the reversion shall be paid to said David, and that the said Alexander, notwithstanding the premisses, delivered from himself one tack and letter of bailiary of

the lands of Litil Sauchyne for the space of five years for fulfilling all points in the reversion, and that the said tack and letter of bailiary may be of no value as he intends to prove before a judge competent, time and place fitting, and for remedy of law. And because Mr. William is infeft in the lands to be held of the said David and not of the overlord, as he ought to be, as he asserted, he protests for non-duplication of the feu farm. Done in the church of Clune 24th May 1550. Witnesses, Thomas Gordoun, Alexander Touht, Sirs Andrew Wodman and Thomas Mvkart, chaplains, and (Sir John Cristisone), notary. 162 *a.*

441. Instrument narrating that John Forbes, procurator of Margaret Douglas, daughter of Archibald Douglas of Glenbarvy, appeared personally on the ground of the lands of Durlathyne, Petteddere, Petscurre and half of the lands of Drumdurnocht, lying in the barony of Balhaggarte and sheriffdom of Aberdeen, holding in his hands a precept of sasine from Thomas Arskyne of Brechyne, knight, in favour of said Margaret; which precept he presented to John Bissait, bailie, who, after the precept was read by the notary, passed to the foresaid lands, and inducted John Forbes, as procurator for Margaret Douglas, into possession in conjunct fee and liferent by rope and thatch. Done on the lands 30th May 1550. Witnesses John Moyr, William Forbes, Little John (*parvo Johanne*) and (Sir John Cristisone), notary public. 162 *b.*

442. Instrument narrating that William Gordoun, residing at the mill of Sauhyn, appeared upon the ground of the lands of Mekill Sauchyne, lying within the barony of Clune and sheriffdom of Aberdeen, holding in his hands a precept of sasine of said lands by George, Earl of Huntle, which he presented to Henry Gordoun, bailie, who after the precept (*not engrossed, a page being left blank*) was read by the notary, passed to the lands and inducted William G. in usual form; and in token of sasine the bailie chose an ox, value not stated. Done on the lands 28th June 1550. Witnesses, William Couper, Robert Couper, Thomas Norvell, Thomas Rure, John Smyth, David Layng and (Sir John Cristisone), notary public. 163 *a.*

443. Instrument narrating that Mr. Andrew Lesle, parish clerk and peaceful possessor of the office of clerkship of Dauiot, in the diocese of Aberdeen, renounced the said office with rights and title, and he himself ceased and demitted the office of clerkship for ever; upon which he asked instrument. Done at Mosfedill (Mosfield?) at 9 a.m. on 2nd August 1550 (*Cf.* No. 430). Witnesses, Thomas Kemp, David Reche, John Leslie and (Sir John Cristison), notary public. 164 *a.*

444. The same day Patrick Hoyme, Malleta Criste, William Lang, David Sowtar, Andrew Duncane, Alexander Strauht, John Johnston, William Duncane, Alexander Duncane, Andrew Blyth, James Duncane, Andrew Duncane, Mariota Banerman, Andrew Johnstone, Alexander Hyll, John Maling, John Androw, Thomas Covit, Christina Litiljohne, William Endeauht, William Duncane, Alexander Fudes, William Hauersone, Patrick Materis, Alexander Hauersone, Patrick Quhit, William Cutbird, John Findlay, James Wabster, Alexander Duncane, John Patre, James Waulcar, Alexander Johnsone, Andrew Maling, David Reche, Thomas Kempe, William Hyll, James Alexander, Elizabeth Maling, John Johnstone, Gilbert Styll, James Chapman, Andrew Hyll, Alexander Cowit, William Waulcar, Alexander Myll, John Findlaye, John Nicholl, Adam Myll, Katherine Lesle, Elizabeth Maling, Janet Hyll, Thomas Davidsone, Thomas Myll, Marjory Fudes, Andrew Reche, Margaret Trumbill, Ebota Kemp, William Maling, Andrew Myll, Thomas Stevin, Alexander Myll, Alexander Gawane, William Senzeour, William Wdo, David Senzeour, Elizabeth Couper, John Cordinar, David Hyll, William Senzeour, John Mvrdo, parishioners of the parish of Dauiot, at least

the greater and wiser portion of the parish, chose, each of them, John Leslie, student or scholar in Aberdeen, as an able and fit person for the parish clerkship of the parish and they separately gave their votes of the office to said John; and lest their church should remain destitute of service they requested William, Bishop of Aberdeen, though absent, that he would deign to admit John L. to the office with its rights, and in whatever way it shall happen to become vacant. Mr. Andrew Leslie and John Leslie ask instruments. Done in said parish between 8 a.m. and 3 p.m. Witnesses, Master Andrew Leslie, John Myrdo, Thomas Couper, David Reche and (Sir John Cristisone), notary public. 164 *a.*

445. Instrument narrating that John Chaulmer, residing in Kyntoir, passed to the personal presence of Dauid Chaumer of Balbethane and offered to him three chalders of oats with the fodder and one chalder of bear with the fodder of the grain which grew upon the tenancy and within the limits and bounds of Balbethane of the crop of the year last past, now within the territory of the burgh of Kintoir, and specially on 13th August instant; and likewise required him to compear before the provost of Aberdeen, namely, Thomas Menzes, on 12th August instant at 12 o'clock to depone and swear "quhat lokkis and keis wes in Balbethane" at the time of his intromission with the same, and to fulfil all and sundry things contained in a certain act made thereupon by the Lords of Council in all points. John C., after the refusal of David C. to receive the grain and chalders of oats and bear with the fodder at Kintoir, offered himself ready to deliver the grain at Balbethane on the said day at his own expense and to cast the same with "prvif schaif," etc. David Chalmer, notwithstanding the premisses, asked from the said John C. charters and evidents of the lands of Brodieshauht, lying upon the water of Done, adjoining the lands of Balbethane, as he was held bound, as he asserted, according to the act of the Lords of Council; declaring that, notwithstanding the said John by his procurator at Edinburgh offered the evidents, his procurator had no mandate to offer them, and he protested for remedy of law. Both asked instruments and protested. Done at Balbathane 11th August 1550. Witnesses, Andrew Rane, "Lenio" Thome, John Spring and (Sir John Cristisone), notary. 164 *b.*

446. Instrument narrating that David Chaulmer of Balbuthane acknowledged that he had received from John Chaulmer, his brother german, three chalders of oats and one chalder of bear, with fodder, of the grain which grew on Balbuthane of the crop of the past year, and also eighteen locks with their keys, according to an act of the Lords of Council made betwixt them. Then the said John C. asked David C. for six bolls of oats and six firlots of bear, valued by trustworthy men, of the grain which grew on Balbuthane of the crop of the year last past owing to him by David, as he asserted, which David C. denied and refused to pay to him, upon which John protested for remedy of law. Done at Balbuthane 21st August 1550. Witnesses, James Wobstar, Henry Criste, "Lenio" Alexander, and (Sir John Cristisone), notary public. 165 *a.*

447. Instrument narrating that John Straquhyn of Lenturk passed to the personal presence of John Strataubyne of Thorntoun saying to him such words in the vernacular:—"Schir the tua writingis that this prest Schir Johne Cristisone wrait betuix zou and me of the dait xv day of September last, he is ane vitnes in the samen and ze subscrivit thame quhen he vas avay, ze vil grant ratife and appreif the samen befoir hyme that he ma be vitnes thairto." John S. of Thorntoun acknowledged that he had subscribed the said two writings written by the notary in the form of an obligation at the date above written with his subscription manual, notwithstanding the absence of the notary at the time of his signing, and he ratified and approved the said writings. In one of these

writings by the hand of the notary is contained certain things concerning the redemption of the lands of Litil Lenturk, and in the other writing by the notary is contained "Be It kend, etc. that forsamekill as the said Johne Straquhyne hes renuncit ane reuersioun maid betuix me and hyme and his airis maill tuechane the redemptione of the landis of Mekill Lenturk, Litill Lenturk, Claimyll and Nevtoun," lying in the barony of Lenturk and sheriffdom of Aberdeen, held of the queen; and "inlikvise hes renunceit ane wder reuersioun maid be me to hyme and his ayris maill tuechand the redemptione of the landis of Echt callit Culquhorsy, Kyrktoun of Echt, Knocharne, Hyllsyd, wt thair pertinentis, liand, etc.," held of the Earl of Huntly, suspending him and his heirs-male from the redemption of said lands, and that the said reversion shall have no force without the seals and subscriptions of the Bishop of Aberdeen and his Commissary, as a contract and act thereon in the Commissary books of Aberdeen proport, "the quhilk he did in secreit maner for the weil of me and my house"; notwithstanding the renunciation of the lands by John S. of Lenturk, the contract and act and reversions "I the said John Straquhyn of Thorntoun for me my ayris and assignais till have of nev grantit and concedit and be the tenour heirof grantis and concedis the said reuersioun maid be me to the said Johne and his airis maill till haue strinht force and effect to redeme the said landis of Mekill Lenturk, Litil Lenturk, Claymill, Nevtoun and thair pertinentis and the said landis of Echt callit Colquhorsy, Kyrktoun of Echt, Knocharne, Hylsyd," etc., and ratifies and approves the reversions in all points. He also for himself, his heirs, etc., renounces that part of the contract and act as to the renunciation of the reversions and the clause that the reversions shall have no force unless they are sealed by the bishop and commissary, but the writs shall have force and effect without the same in all points as they bear in themselves. He also promises to uphold the reversions under "ypothec" of all goods, moveable and immoveable, etc. Done at Lenturk 29th October 1550. Witnesses, David Straquhyne in Pendrecht, James Straquhyne in Vester Keg, John Straquhyne and (Sir John Cristisone), notary. 165 *a.*

448. Instrument narrating that William Gordoun of Sauhyn passed to his lands of the mill of Sauhyn and to Mvrtoun of Sauchyn and there with his own hands inducted Cristina Bissait, his wife, in real possession in liferent of the same by rope and thatch according to a charter made thereupon; and then Cristina faithfully promised to renounce the sasine given to her of the lands in favour of Patrick Gordoun, bastard son of said William, for providing profit to said Patrick, at the request of William at whatever time he shall provide Patrick to obtain profit for renunciation of her liferent. Done on the lands 3rd March 1550. Witnesses, Patrick Orun, John Couper, Sir Henry Quhitvallis, chaplain, and (Sir John Cristisone), notary public. 166 *a.*

1551.

449. Instrument narrating that William Patre in Durlathyne, officer in that part of Margaret Douglas, with consent of John Erskyne, her husband, at command of a certain precept by them, passed to the lands of Petscurre, in the regality of Gareaucht and sheriffdom of Aberdeen, and to the principal dwelling-houses of John Dauidsone, William Blak, elder, James Patre, William Dauidsone, William Smytht and William Black, younger, and there removed a "stres" of the goods of said tenants of Petscurre, or at least abiding there, from all their houses and implaced a "stres" of the goods of said Margaret and John in sign of their true possession; and afterwards in presence of the said tenants there abiding, from their goods, namely "scheip, novit," he removed from the said town and land of Petscurre a certain portion of their goods in token of removal, and left John Erskyne and Margaret, his wife, in peace in said lands of Petscurre, no one contradicting. Then all the

said persons, last tenants of the said lands, asked leave from David Stevart and John Erskyne, younger, in name of John and Margaret to again place their animals on the tenancy of Petscurre or at least to leave a certain portion of their goods in the tenancy for the space of twenty days following, on this condition that if they are not able to obtain the goodwill of John Erskyne and Margaret Douglas, or the goodwill of Thomas Erskyne, father of John, within the term of twenty days, the said tenants shall be held and reputed as unjust intromitters, violent possessors and "maisterfull occupearis" if they do not leave their tenancies within said space or obtain goodwill as said is. Done at Petscurre 20th May 1551. Witnesses, David Patre, William Patre, Andrew Patre and (Sir John Cristisone), notary, and George Cravmond. 166 *b.*

450. Instrument narrating that Andrew Freser of Stanevod compeared personally on the ground of the lands of Nevtoun and Auldtoun of Carnbrogy and Smiddehill, lying in the barony of Tarwes, regality of Abirbroth and sheriffdom of Aberdeen, holding in his hands a precept of sasine by John, Archbishop of St. Andrews, Legate, etc., "yconomus" or steward of Mr. James Betoun, Abbot of the monastery of Arbroth, appointed special procurator to the underwritten business, stating that it was clearly evident, found by a trustworthy assise and retoured to the chancery of the monastery, that the late Andrew Fraser of Stanevod, father of Andrew Fraser of Stanevod, died last vest and seised as of fee at the peace and faith of the queen of all and whole the lands of Carnbrogy, Auldtoun, Nevtoun and Smiddehill, lying in the barony of Tarves, regality of Abirbroth, and sheriffdom of Aberdeen, and that the said Andrew is lawful and nearest heir of the late Andrew F., his father, in the said lands, and he is of lawful age, and that the lands are held in chief of the abbot and convent of Arbroath and their successors. The precept (*date and place of signing omitted*) is directed to Mr. John Fraser as bailie, who passed to the lands and gave possession in usual form, the bailie choosing a horned ox of a black colour valued at 8 merks. Done on the lands 25th May 1551. Witnesses, Master Thomas Fresser, John Blakhall, John Curre, Thomas Irving, John Jhonston and (Sir John Cristisone), notary public. 167 *a.*

451. The same day John Wilzemsone in Carnbrogy acknowledged that he had received from Andrew Fraser of Stanevod the sum of ten pounds Scots formerly lent by John to said Andrew, and he discharges Andrew, his heirs, executors and assignees, of said sum and of all other debts and money lent before this date. Done at Smiddehill. Witnesses, Masters John Fresser, Thomas Fresser, John Blakhall and (Sir John Cristisone), notary. 167 *b.*

452. Instrument narrating that John Ventoun, burgess of Aberdeen, son natural of Besseta Lesle, his mother, compeared personally in the court of Alexander Leslie of Vardaris held by Alexander Lesle in Creche, and in judgment solemnly protested as follows in the vernacular:—"Nochtwithstanding that ze bailze and membris of court hes callit the said Bessie Lesli my moder as tenent to the Lard Vardaris and hes vnloit and giffin dome one hir for absence and that the pvnding of hir be Andro Reche officiar to the Lard of Vardaris for officiar fe, that the samen be nocht preiudiciall to the said Besse Leslie and as he allegit the samen to be done vranguslie and aganis the law allegit that the said Besse is court fre and aw no officiar fe be resone of her assedatioune and tyme and plaice opportune befoir juge competent to ostend the samen offerit and quhat beis done in the premisses contra equite and justice that the samen be nocht preiudiciale to the said Besse Lesle and of remeid of law protestit." Done at Creche 3rd June 1551. Witnesses, William Leslie, young laird of Vardaris, Sirs William Thomson and James Ked and (Sir John Cristisone) notary. 168 *a.*

453. Instrument narrating that Elizabeth Leslie, lady of Balquhane, uncompelled, and of her free will in absence of her husband, ratified, approved and confirmed by her subscription at the pen led by the notary a certain tack to George Leslie in Bonnetoun made by John Lesle of Balquhane for the full space of nineteen years after Whitsunday 1550, with consent of said Elizabeth, of the whole lands of Bonnetoun, with crofts and pertinents, lying in the regality of Gareaucht and sheriffdom of Aberdeen, and she promised never to come in the contrary of said tack during the terms and years contained therein but faithfully to fulfil all things in the same. . Done at Balquhane 17th June 1551. Witnesses, William Lesle, heir apparent of Balquhan, James Lesle, Alexander Smith and (Sir John Cristisone), notary. 168 *a.*

454. Instrument narrating that William Gordoun of Crag and James Gordoun in Tulleangus, on one side, and Patrick Gordoun of Auhtmenze and John Innes in Nevbiggen, on the other side, agreed as follows (in the vernacular):—That the parties are obliged and sworn "to stand and abyd at the finale decreit" of John Lesle of Balquhane, Alexander Leslie of Wardairis, James Gordoun of Colquodilstane, Patrick Leyth of Edingareaucht and Mr. John Gordoun, vicar of Keyth, or any two of them on the part of William and James Gordoun, and of Mr. Robert Lummisdane, Mr. Mathew Lummisdane, James Murray of Cowbarde, James Skeyne and Mr. John Bissait or any two of them for Patrick Gordoun and John Innes, and George Gordoun of Gycht as "odman" and oversman, as arbiters chosen between the parties "tucchand the decisioun of the rycht methis and marchis of the landis of Auhtmenze, Newbiggen and Tulleangus and thair pertinents, providing allwais that the consent of William, bischop of Abirdene, be had thairto," and in absence of Mr. John Bissait, George Gordoun of Cowclaroquhy. The arbiters accepted, and took oath, to convene on the debateable land on 4th August next, with power to "prorogate" their decree as may be expedient, the parties promising to observe the same. Done near Tulleangus 26th June 1551. Witnesses, Alexander Gordoun of Strathoun, Alexander Gordon of Clune, Thomas Gordoun and (Sir John Cristisone), notary. 168 *b.*

455. Instrument narrating that Alexander Gordoun of Strathoun passed to the personal presence of John Reche in Mongare counselling him not to have intercourse with John Reche, his brother german, nor to receive him into his house for certain causes concerning him, because if he did otherwise and happened to incur any damage in his society by any one he will not in that case take the part of the said John, notwithstanding that Alexander G. is bailie depute of the shire ("schire") of Tulenestyne in which he dwells, and this for warning the said John. Upon which he protested and asked instrument. Done at Mongare 27th June 1551. Witnesses, Laird of Avsloun, John Forbes, John Patersone, William Marsar and (Sir John Cristisone), notary. 169 *a.*

456. Instrument narrating that Alexander Gordoun of Strathoun, on the one part, and James Wod of Bonnetoun, on the other part, willing to avoid the windings of the law and preserve concord, especially concerning the teind sheaves of Ennarernan undecided between them; for which teind sheaves Alexander G. faithfully obliged himself, his heirs, etc, to pay and deliver to James Wod in complete payment of the same of all the years and terms by past before this date, the sum of £60 Scots between this and the feast of St. Bartholomew next to come or within eight days after; for which sum of £60 to be paid, James Wod discharged the said Alexander, his heirs, etc., of the teind sheaves for years bypast. The said James also appointed Sir Jaspir Hay, vicar of Birse, and Richard Meldrum as his procurators to quash any acts and written documents made thereupon before any judge as to the lease and payment of the

teind sheaves of Ennarernan. Done at Aberdeen 10th July 1551. Witnesses, the said Sir Jaspir Hay, Thomas Gordon, Alexander Touht and (Sir John Cristisone), notary public. 169 *a.*

457. Instrument narrating that John Neve in Kintor wadset his tenement in the burgh of Kintoir with yard, lying on the north side of said burgh, between the lands of the vicar of Kintoir on the east, the lands of James Keyth on the west, the lake ("*lacum*") (? river Don) on the north and the highway on the south, to William Abell, dweller in Kintoir, tenant for the time of tenement, in pledge of the sum of 34s., from himself, his heirs, etc., to William, his heirs, etc., and to be enjoyed and possessed, with houses and buildings, ay and until the payment of said sum; which sum of 34s. John N. acknowledged that he had received from said William, and he quitclaimed the said William, his heirs, etc., of the sum now and for ever. Done at Kintoir in the parish church 2nd August 1551. Witnesses, Fergus Davidson, John Abell, smith, Fergus Rechisman and (Sir John Cristisone), notary public. 169 *b.*

458. Instrument narrating that Alexander Leslie of Kincragie, for reasonable causes and for the filial love he bears towards George Leslie, his first born son, diminished or deducted to George, his heirs, etc., of the rents and profits of the lands of Kincragie the sum of 33s. 4d. yearly during the terms of his tack in case that four oxgangs of same lands were not redeemed from the hands of Patrick Leyth of Crannauht, and that so soon as the said four oxgangs of the lands of Kincragy, lying in the barony of Clune and sheriffdom of Aberdeen, have been redeemed from the hands of Patrick Leyth, his heirs, etc., it should not prejudice him as to the liferent or franktenement of the lands during his life. Done at Lykleheid 29th August 1551. Witnesses, Patrick Leitht of Harthill, John Leyth, fiar of Rayne, and Adam Mark and (Sir John Cristisone), notary. 169 *b.*

459. Instrument narrating that Alexander Gordoun of Strathoun personally compeared holding in his hands a paper writ containing a form of appeal which he handed to the notary to be read and published, as follows:—"Whereas the remedy of appeal has, by the compilers of both laws, been healthily introduced and appointed, that one is duly saved by that remedy not only from grievances inflicted but also from those threatened, hence it is that I the appellant, this present date it has come to my ears of new, in truth, and not before, as I swear upon the holy gospels that certain letters, ordinary and admonitory, issued and directed from the lord bishop of Aberdeen against me at the instance of Mr. William Meldrum, vicar of Peterculter, admonishing to pay to him the sum of 40 merks as of his yearly pension of the Chancellory of Aberdeen due as he asserted for the year (15)50, and likewise 40 merks also owing to him as he asserted for same pension of the year 1551, in the same letters admonishing me, under pain of excommunication, to pay to him, Mr. William, of the premisses in certain terms specified in the letters, evilly, wrongly, vainly and unjustly, the order of law being despised, contemned and neglected, as in the same asserted letters is more fully provided, as *Deo duce* before a judge (?) to whom it shall be made clear. Therefore on account of the said grievances inflicted on me and others perhaps heavier to be inflicted in the future, I appeal from the said pretended ordinary letters and monitorials of the jurisdiction and of the Bishop of Aberdeen, also from his whole jurisdiction of Aberdeen in that cause, with all ecclesiastical censures contained or specified in the same or following by force of the same, to John, Archbishop of St. Andrews, and alternatively to his Holiness Pope Julius the Third; and I ask letters of appeal, first, second, third and peremptorily, which if they refuse to give, again as before I appeal, crave letters repeatedly, submitting myself and all adhering to me, my and their goods moveable and

immoveable to the care, protection and defence of said judges, alternatively under solemn protest, adding, diminishing and reforming my appeal as often as law shall allow, and not binding myself to prove every or superfluous point but only those things required to gain the case. Done at the peel of Clune 7th September 1551. Witnesses, Master Mathew Lummisdane, Thomas Gordoun, Gilbert Touht, Alexander Touht, Alexander Nicholl and (Sir John Cristisone), notary public. 170 *a.*

460. Instrument narrating that Alexander Lesle of Kincragy and George Lesle, his son and apparent heir, appeared personally on the ground of the lands of Bowdeforrow, lying in the barony of Fyntray and sheriffdom of Aberdeen and regality of Londoris, holding in their hands a precept of sasine by John, abbot of the monastery of Londoris and convent of the same, directed to Patrick Leyth of Crannacht as bailie, whereby John, abbot of the monastery of Londoris and convent of the same. state they have given, granted, set and leased in feu farm demised to Alexander Lesle of Kincragy in liferent and to George Leslie, his son and heir, and his heirs male whomsoever, in fee, their lands of Bawdefarrow, with pendicles, and their fishings of Don pertaining and adjoining said lands lying in the barony, sheriffdom and regality aforesaid, as in their charter of feufarm is more fully contained. Dated at said Monastery 8th September 1551, and subscribed by John, Abbot of Londoris, John Brownhill, superior, John Blayr, Richard Barcair, William Weilhand, Patrick Steyll, William Messoun, Robert Vilzemsone, James Carstaris. Alexander Pattersone, John Smytht, Alexander Wrycht, Andrew Wod, Robert Vostwater, Gilbert Merschell, David Orum, John Symmyr. Which precept being read, the bailie passed to the lands and gave possession to Alexander Leslie in liferent and to George L. and his heirs male. Done on the lands and at the fishery of Don 14th September 1551. Witnesses, William Leyth, John Smyth, Andrew Duncane, John Grub, Henry Grub, William Jame, and Sir James Kyd, notary, and (Sir John Cristisone), notary public. 170 *b.*

461. Instrument narrating that Patrick Leycht of Crannauht appeared personally upon the ground of the lands of the four oxgangs, specially of the sunny part of the middle third of the lands of Kincragy, lying in the barony of Clune and sheriffdom of Aberdeen, holding in his hands a precept of sasine by George Leslie, fiar of Kincragy, and Alexander Lesle, his father, franktenementer of the same; which precept Patrick L. presented to John Leyth, bailie, and after it was read by the notary (*a blank of a page being left for its insertion*) the bailie passed to the said lands and gave possession to Patrick Leyth of the lands in usual form, choosing in token of sasine a horned ox of a black colour valued at £4 Scots. Done on the lands 15th September 1551. Witnesses, John Smyth, Gilbert Sharp, James Bowrdene, David Greyne and (Sir John Cristisone), notary. 172 *a.*

462. Instrument narrating that George Cravmond, procurator for John Erskine, passed to the personal presence of Sir John Curre, one of the chaplains of the chapel of Gareaucht, and warned and charged him to compear at the said chapel of Gareaucht on the 10th November next, there to receive the sum of 100 merks Scots for redemption of the lands of the fourth part of the lands of Knokinglas, and to see and hear all things in a certain reversion made by him thereupon fulfilled, and the lands to be lawfully redeemed from his hands, according to the reversion. Done at the Chapel of Gareaucht 29th September 1551. Witnesses, John Pattoun, Alexander Tavok and (Sir John Cristisone), notary. 173 *a.*

463. Instrument narrating that Elizabeth Reche, residing in Feterneir, uncompelled and of her own free will, faithfully obliged herself to deliver to John Ewyne in marriage goods with Janet Cristisone, daughter of

said Elizabeth, in pennies and pennyworths the sum of £40, and also 40s. Scots in case that Sir John Cristisone, vicar of Kemna, shall deliver to John Ewyne his right of the "corspresant" of the late William "Ade" (Adam?) in Roucharrell. Lastly, on the morrow, namely 6th October, Elizabeth ratified and approved the premisses; upon which John E. asked instrument. Done in the chamber of said Elizabeth at 7 a.m. on 5th October and at 6 o'clock a.m. on 6th October 1551. Witnesses, Alexander Gareauht in Torreleyth and —— Garreaucht, his son, John Garreaucht and (Sir John Cristisone), notary. 173 *a*.

464. Instrument narrating that John Strataubyne of Lenturk, for reasonable causes, ratified and approved an assignation and gift formerly made by him to Gilbert Strataubyne, his brother german, of 80 bolls of victual of Mekill Lenturk and of 40 bolls of victual of the half land of Litill Lenturk, owing to him by John Strataubyne of Thorntoun; and also of all his goods and chattels formerly assigned to Gilbert, as in an instrument of John Strataubyne in Kincardin, notary, is provided. And likewise the said John S. of Lenturk of new constituted and appointed Gilbert S. his assignee to all the above goods and victual and to "the mone of the haill cornis" of Mekill Lenturk crop 1550. Done at Lenturk 22nd October 1551. Witnesses, William Straquhyn in Loquhell, William Strataubyne in Suffullze, John Straquhyne in Tarpersy, and (Sir John Cristisone), notary. 173 *b*.

465. Instrument narrating that John Erskyne, procurator for John Erskyne of Canterland, in terms of a mandate dated at Kemnay 17th December instant, passed to the principal messuage or dwelling-place of Sir John Curre, one of the chaplains of the chapel of Gareaucht, and warned and admonished him to compear at said Chapel of St. Mary of Gareauht on 31st January next, there to receive 100 merks Scots for redemption of a fourth part of the lands of Knokinglas, presently occupied and laboured by John Grub and John Wychtman, and to see and hear the lands lawfully redeemed from his hands according to a reversion made by him, and to see and hear all things contained in said reversion made by John C. to Lord Erskyne and his assignees fulfilled. Done at the front gate of the principal dwelling-house of Sir John Curre near said chapel 18th December 1551. Witnesses, John Pattoun, Thomas Neve, dwelling at the said chapel, Andrew Bissait, under the said Sir John Curre, dwelling near the said chapel, and (Sir John Cristisone), notary public. 174 *a*.

1551-1552.

466. Instrument, of date 11th January 1551, narrating that Mr. Robert Skeyne, vicar of Logy, acknowledged that he had received from John Strataubyn of Lenturk in loan two instruments, one containing that John Ramsay affirmed a certain assignation of James Straquhyne, formerly in Tullecarne, to Duncan Strataubyne . . . .

[*The protocol book stops here abruptly.*]

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